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FAIR, ACCOUNTABLE, INDEPENDENT, AND RESPONSIBLE (FAIR) JUDICIARY PROGRAM IN UKRAINE

**QUARTERLY PROGRESS REPORT
APRIL TO JUNE 2012**

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PROJECT BACKGROUND

Chemonics International signed the USAID Fair, Accountable, Independent, and Responsible (FAIR) Judiciary Program in Ukraine contract on September 19, 2011. FAIR is designed to build on initiatives implemented by the USAID Combating Corruption and Strengthening Rule of Law in Ukraine (UROL) project from 2006-2011.

The major goal of the FAIR project is to support legislative, regulatory, and institutional reform of judicial institutions in order to build a foundation for a more accountable and independent judiciary. The project focuses on four main objectives:

- Development of a legislative and regulatory framework for judicial reform that is compliant with European and international norms and supports judicial accountability and independence;
- Strengthening the accountability and transparency of key judicial institutions and operations;
- Strengthening the professionalism and effectiveness of the Ukrainian judiciary;
- Strengthening the role of civil society organizations as advocates for and monitors of judicial reform.

FAIR by the Numbers

- Supported 15 governmental legal institutions
- Supported 7 non-governmental legal associations
- Trained 320 judges and judicial personnel
- Created 51 TOT trainers
- Supported 270 courts from all regions of Ukraine
- Engaged 254 justice sector personnel in long-term strategic planning for judicial branch
- 93 judges provided feedback to improvement of judicial self-governance mechanisms

SUCCESS STORIES AND NOTABLE ACHIEVEMENTS

On June 5, 2012, 3,476 Ukrainian aspiring judges participated in the second national anonymous test of judicial candidates conducted by the High Qualifications Commission of Judges of Ukraine (HQC) with support from FAIR (see <http://vkksu.gov.ua/ua/news/v-daniy-moment-bilshe-3500-kandidativ-berut-uchast-v-anonimnomu-testuvanni-kandidativ-u-suddi/>; <http://ukraine.usaid.gov/programs/democracy-and-governance-en/rule-law-and-human-rights-en/national-anonymous-test-judicial-c>). According to the Law of Ukraine on the Judiciary and Status of Judges, the test is a mandatory first step in the process of judicial selection. The overall goal of the test is to identify the level of legal knowledge of candidates to ensure an objective and merit-based judicial selection process. Prior to the second national test, FAIR analyzed the



3,476 judicial candidates taking the second national anonymous test in Kyiv on June 5, 2012.

results of the first test, trained test items writers, and developed new test items together with the HQC. The project also provided additional equipment to support effective test administration. Based on the lessons learned and following FAIR's recommendations, the HQC conducted the test in a single location in the presence of independent monitors and media representatives. This helped to improve the quality of oversight and control of the test, while providing a level playing field for all candidates and broad coverage by Ukrainian media, including leading TV channels (see <http://videonews.com.ua/videos/test0606.html>http://1plus1.pl.ua/news/tsn_novini_5_06_2012/2012-06-05-3287<http://1tv.com.ua/uk/news/2012/06/05/22239><http://fakty.ictv.ua/ua/index/read-news/id/1450221><http://kanalukraina.tv/episode/334/>). The test results were immediately processed in the presence of independent monitors, representatives of judicial candidates and media, and made public on the HQC's website at <http://vkksu.gov.ua/ua/dobir-kandidativ-na-posadu-suddi-vpershe/rezultati-anonimnogo-testuvannya-ispitu-2012/>. After the test started, Justice Ihor Samsin Chair of the HQC, Laura Pavlovic, Director of USAID/Ukraine's Democracy and Governance Office and FAIR chief of party (COP) David Vaughn participated in a press conference dedicated to the test. Justice Samsin noted that, "The High Qualifications Commission of Ukraine made enormous efforts to successfully conduct the test for all the candidates at the same time. Our staff and experts ensured objectivity of the test by providing equal conditions for candidates in terms of time, number and level of complexity of test items, as well as unified criteria for test evaluation. Information about test results will be available publicly." Laura Pavlovic added, "I am very proud that as a result of our longstanding partnership, and with support from the USAID FAIR Justice Project, the first national anonymous test of judicial candidates took place in May 2011. Building on lessons learned from last year, today's second anonymous judicial test is being observed by independent monitors, and test scores will be calculated in the presence of monitors as well as the media. These are important, new steps to improve the judicial selection process and increase public trust in the selection process by increasing the transparency of the standardized testing of judicial candidates." On June 6, 2012, the HQC approved a passing score for the test to be equal to or greater than 63 out of 100 correct answers on the test. 1,181 judicial candidates passed the test and were admitted to the second level of the judicial selection process, namely, the judicial qualification exam scheduled for the beginning of fall 2012. FAIR in cooperation with the HQC will analyze reports of the independent monitors to ensure that their recommendations will be incorporated into the administration of the judicial qualification test and the next national anonymous test of judicial candidates.

Also of note during this reporting period, from June 13 to 15, 2012, FAIR supported the participation of 15 representatives of the Supreme Court of Ukraine, State Judicial Administration (SJA) and select courts at the International Court Administration Conference which was held by the International Association for Court Administration (IACA) at the Hague, Netherlands. FAIR ensured the participation of Ukrainian representatives as speakers on two panels, devoted to court administration and judicial self-government, providing a unique opportunity to share knowledge and experience from Ukraine with a broad international audience of over 300 representatives of judiciary systems from more than 40



Ruslan Kyrlyuk, Head of the SJA, giving his presentation Creating Quality Courts in a Country in Economic Transition at the International Court Administration Conference at the Hague, Netherlands, on June 14, 2012.

countries from around the globe. During his presentation, SJA Head Ruslan Kyryliuk gave an outline of the steps taken by the SJA to ensure sustainable development of Ukraine's judiciary, as well as the plans for the future, with a special emphasis on strategic planning, court automation and court budgeting. "We are currently engaged in an intensive dialogue with Ukrainian authorities to allow the judiciary to have better control over the design and allocation of its budget. We intend to lobby for the submission of the judiciary's budget request directly to the Parliament of Ukraine, instead of going through the Ministry of Finance," emphasized Mr. Kyryliuk. He also invited the participants to attend the conference on court innovations, which the SJA plans to conduct in September 2012 in Kyiv. In turn, Supreme Court Justice Vasyl Humeniuk delivered a presentation on issues faced by bodies of judicial self-governance in Ukraine. "Although we all come from different justice systems, we, as judges, share the same goals and the same problems. And while we face much criticism, we have to unite our efforts and do our best to ensure judicial independence, and the bodies of judicial self-governance in Ukraine have to build up their potential and play a significant role in these areas," argued Justice Humeniuk at the end of his presentation. Both presentations were positively received by the audience, as evidenced by the many follow-up questions and comments. At the Conference, Ukrainian participants also had an opportunity to learn new knowledge and skills in modern court administration, the application of IT solutions in courts, judicial training, and human resource management. In addition, FAIR was able to promote direct contacts between the SJA and vendors of court video conferencing and voice recording solutions which might be implemented in the courts of Ukraine.

PROJECT ACTIVITIES

As outlined in the contract, the following section contains a discussion of accomplishments, milestone progress, indicator progress, and upcoming plans for each Expected Result from April 1 through June 30, 2012. Any needed changes from the activity schedule in relation to the work plan as well as issues requiring resolution or USAID intervention are discussed where applicable. Views expressed by project counterparts do not necessarily represent those shared by the FAIR team.

EXPECTED RESULT 1.1: UKRAINIAN JUDICIAL REFORM LEGISLATION RECEIVES FAVORABLE COMMENTS FROM THE VENICE COMMISSION AS MEETING INTERNATIONAL STANDARDS AND REFLECTS DOMESTIC AND INTERNATIONAL EXPERT INPUT

ACCOMPLISHMENTS: During this quarterly reporting period, the FAIR project team worked with a variety of partners on improving the legislative and regulatory framework for the judiciary. FAIR constantly monitored legislative initiatives and analyzed possible impact on the judiciary. From April to June 2012, a number of legislative changes were introduced into legislation regarding the judiciary.

On April 28, 2012, the President of Ukraine submitted to the Verkhovna Rada of Ukraine (Parliament) the draft law on Amending some Legislative Acts of Ukraine, which amends the Law on the High Council of Justice, Law on the Verkhovna Rada Rules of Procedure, and Law on the Judiciary and Status of Judges regarding strengthening judicial independence. The Law provides better protection for judges against prosecutors attacks during the litigation process and foresees the

Milestone Progress ER 1.1

- Draft amendments to the Law on the Judiciary and Status of Judges (amended according to Venice Commission recommendations) introduced to the President's office for consideration.
- Draft Law on the Bar was submitted to the Verkhovna Rada of Ukraine on April 28, 2012.
- Held public discussion on pending judicial reform legislation
(December 20 and 21, 2011, Conference on Judicial Reform in Ukraine and International Standards for Judicial Independence).
- Concept Paper on Legal Education Reform developed and presented to the members of the Working Group on Legal Education Reform in Ukraine.

consideration of discipline complaint on judicial misconduct only after case cassation instance results. The law also improves the procedure of judicial appointment by the President and life appointment by the Parliament in order to meet Venice Commission recommendations to minimize the scope of discretion by the bodies which deal with judicial appointment. The Verkhovna Rada adopted the mentioned law on June 5, 2012 and the President signed it within 10 days.

On April 24, 2012, the Verkhovna Rada adopted the Law on Amending Tax Code and other Laws of Ukraine to (No. 4661-VI). Among others, the law amends the Law on the Judiciary and Status of Judges, bringing its provisions regarding the duty of a judge to submit annual tax declarations in line with the Tax Code and Law on the Principles of Preventing and Combating Corruption to avoid duplication. At the same time, the law introduced negative changes that decrease the level of transparency regarding the financial status of appellate and local court judges, as now the SJA is no longer obliged to post their declarations on the judiciary's web portal. FAIR will provide the SJA with expert support to develop recommendations in order to ensure transparency and avoid accusations of inaccessibility to information.

On May 14, 2012, The President of Ukraine signed the Criminal Procedure Code of Ukraine (CPC) (No. 4651) and the Law on Amending Some Legislative Acts of Ukraine with Regard to Adoption of the Criminal Procedure Code (No. 4652). The law amends the Law on the Judiciary and Status of Judges, specifically, (1) introducing specialization of juvenile judges in trial and appellate courts; (2) creating the investigative judge position in the trial courts; and (3) the law also states and clears the provisions about the people's assessors as jurors. The new CPC also introduces new approaches and processes, such as plea agreements and house arrest. FAIR will support the National School of Judges (NSJ) in conducting trainings for judges on innovations in the CPC under Expected Result 3.1 below.

On May 25, 2012, the Council of Judges of Ukraine (COJ) amended the Provision on the Automated Case Flow System in the Courts to introduce unified case numbering; assigning a single case number from first instance throughout the appellate process. This is a direct result of a FAIR-supported roundtable discussion on the latest amendments to the Law on Access to Court Decisions, regarding the list of court decisions to be included in the Unified Registry of Court Decisions (Registry) held on February 14, 2012. FAIR experts recommended introducing a unique number of a case to improve search possibilities on the Registry, which will increase the functionality of the Unified Registry without legislative changes. FAIR will continue its efforts to improve the Registry by working with SJA to implement all relevant expert recommendations by the end of 2012.

Among other key reform initiatives, President Yanukovich submitted to the Verkhovna Rada the draft Law on the Bar (No. 10424) on April 28, 2012. This draft law is not the same developed by the Commission for Strengthening Democracy and Rule of Law and reviewed by Venice Commission experts. Nevertheless, the Presidential Administration did take some of the comments and recommendations of the Venice Commission into consideration. The draft law aims to bring the status of the bar in Ukraine in line with the European standards, specifically, introducing a unified bar in Ukraine, establishing a self-regulating organization of the advocates - the Association of Advocates of Ukraine, and providing the Association with self-regulation and self-governance functions. On June 5, 2012, the Verkhovna Rada of Ukraine adopted the draft law at the first reading and on July 5, 2012 – at the second reading as a final.

To further advocate for and promote judicial reform, FAIR took part in the First Ukrainian – German Legal Summit on May 31, 2012. At the summit, FAIR Program Coordinator Olga Nikolaeva presented FAIR activities bringing the legal framework related to the judiciary in line with international and European standards and outlined essential areas for judicial reform, including constitutional changes necessary for sustainable judicial reform. Among the participants

of the summit were representatives of Ukrainian and German business community, judges, Ukrainian and international experts. The participants discussed the role of the independent judiciary in the democratic society to promote economic growth.

The Government of Ukraine continues its efforts in developing and establishing the free legal aid system. On June 1, 2012, the President Yanukovich signed the Decree No. 374/2012 which replaced the Centre for Legal Reform and Law Drafting under the Ministry of Justice (MOJ) with the Coordinating Center for Free Legal Aid under the MOJ. FAIR will continue cooperation with the coordinating center in improving the legal and regulatory framework for the free legal aid system by providing financial and intellectual support.

During this reporting period, FAIR demonstrated its commitment to legal education reform by taking part in the series of events on legal education issues.

On April 20 and 21, 2012, FAIR participated in the international conference “Higher Education in Ukraine: Internationalization, Reform, and Innovation”, organized by the Ministry of Education and International Renaissance Foundation. The goal of the conference was to assess the status of higher education in Ukraine within the context of international education trends of European and former Soviet and socialist states. The key topics discussed at the conference were: (1) university governance and education policy; (2) standardized testing (for admissions, assessment of learning outcomes, etc.); (3) national qualifications framework; and (4) legal education in Ukraine. Among the participants of the Conference were the experts from Ukraine, Poland, the United States of America, United Kingdom, Russia, France, Austria, Czech Republic, Georgia, and Slovakia. The discussion was useful in the light of the legal education reform work.

On April 20, 2012, FAIR also participated in the First All-Ukrainian Conference on “Theory and Practice of Legal Education.” Key topics discussed at the conference were: (1) reform of legal education in the context of higher education reform in Ukraine; (2) standardization of legal education in Ukraine; and (3) the balance between the substance of legal education and legal needs of society.

On April 3, 2012, the FAIR team met with Professor Oleksandr Volosovets, Head of the Education Office of the Ministry of Healthcare (HCM) Department for Personnel Policy, Education, Science and Corruption Prevention, to gain experience on the reform of medical education. The HCM underwent medical education reform some time ago. During the meeting, FAIR team presented FAIR Justice Project efforts in the area of legal education reform to HCM representatives. Professor Volosovets shared the HCM’s positive experience in increasing the quality of medical education. The FAIR team and HCM representatives concurred that the HCM’s experience in professional education reform will be interesting and useful for legal education reform in terms of standing ministry political will, independent institution for quality education control implementation, and the necessity of legal profession qualification framework development.

On April 26, 2012, FAIR, in cooperation with the Organization for Security and Co-operation in Europe (OSCE) Project Coordinator in Ukraine, supported a meeting of the Working Group on Legal Education Reform in Ukraine to: (1) discuss the implementing methodology of the Concept Paper for Legal Education; (2) discuss the issues of the expert group formation and developing the scope of work for the group; (3) agree upon the strategy and the next steps of the legal education reform in Ukraine. FAIR provided members of the working group with a report on the brief analysis of the Ukrainian legislation which needs improvement with regard to the Legal Education Reform, developed by the FAIR short-term expert Iryna Voytyuk. FAIR U.S. short-term education policy expert Arthur Hauptman provided FAIR with his comments on the concept paper.

He suggested more specificity in the current legal education system analysis and focus on its problems. These comments will be taken into consideration in the development of the concept paper in order to make such improvements.

During expert discussions and meetings, participants highlighted the need to link reforming legal education with the broader higher education reform process, which is now highly discussed and disputed. Different working groups developed several draft laws on higher education. At the moment, a working group formed under the government of Ukraine is trying to develop a consolidated draft law, based on the positive provisions of all other draft laws. Subsequently, the Working Group on Legal Education Reform in Ukraine meeting planned for July 2012 is postponed until September or October 2012. Moreover, legal education reform should be designed and implemented with substantial MOJ participation, as they are the profile government ministry and are charged with fostering the quality of legal education and to supervise the content quality of ongoing training courses for legal professionals. The legal professional community should also be involved in this process. FAIR involves MOJ representatives in the activities of the working group to support legal education efforts. FAIR is currently working to identify and recruit experts to provide the members of the working group with expertise and knowledge on European and U.S. experience related to the legal profession qualification framework; with a special focus on accreditation, internal and external evaluation processes, and academic research that can be applied to advance the legal education reform process in Ukraine.

Performance Indicators ER 1.1

FAIR made important measurable progress during this quarter in its effort to achieve the Expected Result 1.1.

FAIR – Changes in Ukrainian legislation came into effect with adoption of the Law on Amending Some Legislative Acts of Ukraine that helps strengthen judicial independence guarantees. In addition, COJ amended the provision on the Automated Case Flow System in the Courts and used FAIR recommendations.

The status of indicator “Number of revised provisions enacted that reflect Venice Commission recommendations” which measures this Expected Result increased to 4 from a 0 baseline, and indicator “Percentage of Venice Commission recommendations adopted” increased from a 0% baseline to 15%.

SCHEDULE CHANGES: As stated above and in the previous quarterly progress report, regional discussions on the draft amendments to the Law on the Judiciary and Status of Judges have been postponed until the improved draft is submitted to the Verkhovna Rada. As of today, the draft law is still under consideration by the Presidential Administration and has not been made public yet.

PROBLEMS: FAIR already stated the problems influencing the process of judicial reform and legislative developments at large. The lack of political will, an unpredictable Parliament, and weak leadership by the judiciary in the process are the major challenges facing judicial reform. FAIR continues to work on promoting and fostering key reforms, and focuses its efforts on building consensus and understanding among stakeholders in order to proceed with these issues.

PLANS: During the next quarter, FAIR will continue to work on building consensus among key partners to bring the Law on the Judiciary and Status of Judges in line with the Venice Commission recommendations without constitutional changes, by advocating for the passage of amendments through inclusive interactions among international experts, civil society, and key policymakers. FAIR will support its partners in developing secondary legislation and conducting research in judicial reform area to address the challenges that the judiciary faces. FAIR efforts in the key reform legislation area will include, but not be limited to the public discussions and expert support focusing on Venice Commission recommendations and experts’ opinion. Namely, FAIR will work on improving the Law on Access to Court Decisions, Law on Free Legal Aid, etc.

In cooperation with the OSCE Project Coordinator in Ukraine, FAIR will support the working group on developing a road map on reforming legal education in Ukraine as well as the implementation of a concept paper.

Finally, FAIR with Coordinating Center for Free Legal Aid under the MOJ, USAID Legal Empowerment Project (LEP), bar associations, and other civil society members like the Legal Aid Foundation of Ukraine and International Renaissance Foundation, will continue to work on the development of secondary legislation to implement the Law on Free Legal Aid.

EXPECTED RESULT 1.2: CONSTITUTIONAL REFORM RELATED TO THE JUDICIARY IS PURSUED IN AN INCLUSIVE MANNER

ACCOMPLISHMENTS: On May 17, 2012, President Yanukovich signed Order No. 328/2012 in the Constitutional Assembly. The Order approved the Regulations on the Constitutional Assembly, which defines the objectives, tasks, principles and procedures of the assembly operation, and the personal composition of the Constitutional Assembly.

Milestone Progress ER 1.2

- Concept paper for Constitutional Assembly is approved by the President of Ukraine.
- Council of Europe expert Lorena Bachmaier developed the Opinion on the Constitution of Ukraine with a Focus on Rule of Law Principle.

The first President of Ukraine, Leonid Kravchuk (1991-1994), was appointed as the Chairman of the Constitutional Assembly. The assembly consists of 94 members, including representatives of parliamentary factions and groups, political parties, the National Academy of Sciences, academic research institutions, and civil society organizations among others.

On June 20, 2012, the first plenary meeting of the assembly took place. The assembly formed seven commissions and elected the following commission heads:

1. Oleksandr Skrypniuk - Commission on Constitutional Order and Procedure for the Adoption and Enactment of Amendments to the Constitution of Ukraine
2. Volodymyr Butkevych - Commission on Rights, Freedoms and Responsibilities of a Person and a Citizen
3. Anatolii Selivanov - Commission on the Rule of the People
4. Andrii Yermolaiev - Commission on the Organization of State Power =
5. Vasyl Maliarenko - Commission on Justice
6. Vasyl Tatsii - Commission on Law Enforcement
7. Svitlana Seriohina - -Commission on Administrative and Territorial Structure and Local Self-Government

The head of each commission also comprise of the members of the Coordination Council, the executive body of the assembly. The draft regulations on internal assembly procedures was distributed among assembly members with a request to provide comments within one month. Each commission has to conduct a meeting with their members within two weeks to discuss the scope of its activity. Maryna Stavniichuk, Secretary of the Assembly, informed assembly members on potential cooperation with international donors, such as the European Council, Council of Europe, Venice Commission, and USAID. In this regard, some assembly members questioned the need for such cooperation, but President Kravchuk made an argument on its importance. Ms. Stavniichuk suggested that the Assembly and the Commission on Justice cooperate with the Commission for Strengthening Democracy and Rule of Law in judicial reform related areas.

FAIR constitutional law expert Lorena Bachmaier conducted a gap analysis of the current Constitution of Ukraine and identified the specific issues that focus on the rule of law. As a European legal scholar, she identified gaps and areas for improving the current Constitution of Ukraine to adhere to Ukraine's international commitments to respect the rule of law in all spheres of public life. She also provided recommendations for constitutional changes in human rights, public prosecution, and justice related areas.

In expert's opinion the Constitution of Ukraine should recognize expressly the right to a fair trial without undue delays to be in line with Art. 6 of the European Convention on Human Rights (ECHR) and Art. 14.3 of the International Covenant on Civil and political Rights (ICCPR).

Article 129 lists the “main principles of proceedings”, but the list does not contain all the rights envisaged in the right to a fair trial - expressly the right to be immediately informed of the charges pressed and the right to have the free assistance of an interpreter, if he/she cannot understand or speak the language used in court, in conformity with art. 14.3 (f) ICCPR.

Expert also suggested in order to avoid the limited interpretation and application of the prohibition of double jeopardy it should be considered to redraft Article 61 Paragraph 1 of the Constitution of Ukraine.

The President is granted the power to “establish courts” referring to the legal procedure that shall be established by the law. This provision might not be in conformity with the fundamental principle that the courts shall be established by the law, and not by the President, according to the procedure set out in the law. As stated infra when dealing with Article 125 of the Constitution of Ukraine, this provision is not adequate to safeguard the fundamental right that the judges are pre-established by the law.

The report of Ms. Bachmaier will be distributed among the members of the Assembly's Commission on Justice.

At the moment, FAIR is working to identify and recruit European constitutional process experts who will support the assembly through the process of constitutional reform.

SCHEDULE CHANGES: There was no significant progress under this task, since the Constitutional Assembly was formed on May 17, 2012 and since only started working in June 2012. As FAIR was informed by representatives of the Presidential Administration's Office for Constitutional and Legal Modernization Affairs, a draft concept of the constitutional amendments will be developed by the end of 2012. FAIR will design and implement activities based on ongoing developments.

PLANS: During the next quarter, FAIR will focus on continuing cooperation with the Constitutional Assembly to identify its needs to move forward on the development of constitutional amendments. FAIR will provide expert support for drafting amendments to the Constitution of 1996. This also will include, but not be limited to, organizing public events to discuss the draft concept paper on Constitutional Reform as well as its review, and grant funding support for information campaign about the activities of the Constitutional Assembly.

Performance Indicators ER 1.2

During this reporting period FAIR supported the first plenary meeting of the Constitutional Assembly. Constitutional Assembly consists of representatives of parliamentary factions and groups, political parties, the National Academy of Sciences, academic research institutions, and seven Civil Society Organizations NGOs. It contributes to FAIR indicator under the ER 1.2 “Number of working sessions on Constitutional reform between lawmakers and civil society organizations” which status increased from a 0 baseline to 1. The status of the indicator “Number of civil society organizations who have experience in constitutional reform participating in public events on the Constitution” changed from a 0 baseline to 7.

EXPECTED RESULT 2.1: UKRAINIAN JUDGES ARE APPOINTED ON OBJECTIVE, KNOWLEDGE- AND PERFORMANCE-BASED CRITERIA

ACCOMPLISHMENTS: During this quarterly reporting period, FAIR jointly with the HQC focused on preparing and conducting the above mentioned second national anonymous test of judicial candidates.

On May 20, 2012, as requested by the NSJ, FAIR conducted first round of training for test item writers devoted to the presentation for the results of the first national anonymous testing of judicial candidates (<http://nsj.gov.ua/news/1222/show/>). As a follow up of the event and requested by the HQC, on May 17 and 18, 2012, FAIR conducted training on “Methodology of Test Item Writing: Preparation, Validation and Improving” for the test items writers (<http://nsj.gov.ua/news/1353/show/>). Representatives of the NSJ and HQC participated in the event. FAIR short-term judicial testing and training expert Leonid Sereda and testing methodology expert Steven Bakker (via Skype) led the training. Additionally, Mr. Bakker developed a handbook for test item developers that was presented and discussed during the event. The handbook covers crucial topics of developing test items, namely, test Blueprints, test methodology and item analysis, item creation process and methodology for writing selected response, and constructed response items. As a result of the training, test item writers received theoretical knowledge on the methodology of test item drafting as well as practical skills on test item writing, which aided in the development of recommendations for a matrix/blueprint of the anonymous test (exam) for judicial candidates.

Milestone Progress ER 2.1

- Three working meeting with HQC held.
- HQC formed working group to improve selection procedures for the first appointment of judges.
- Completed gap analyses of the judicial vacancy application, test administration, and scoring processes.
- Developed recommendations for improving the judicial vacancy application, test administration, and scoring processes.

During the period from April 19 to May 15, 2012, the HQC, in cooperation with NSJ and support from FAIR, conducted three pilot tests to validate the test item bank owned by the HQC (<http://nsj.gov.ua/news/1211/show/>; <http://nsj.gov.ua/news/1236/show/>; <http://nsj.gov.ua/news/1297/show/>). Validated items later were included into the second national anonymous test for candidate judges.

On April 4, 2012, the HQC started the second judicial candidate selection process by posting an announcement on its website at <http://vkksu.gov.ua/ua/dobir-kandidativ-na-posadu-suddi-vpershe/ogoloshennya/28-bereznya-2012-roku-ogoloshennya-pro-dobir-kandidativ-na-posadu-suddi-vpershe/>. Due to the large number of applicants, the deadline for applications was extended twice, ending on May 16, 2012.

In addition, the HQC developed and posted on its website video guidelines on how to correctly fill in the anonymous test answer sheet (<http://vkksu.gov.ua/ua/news/rekomendatsii-kandidatam-na-posadu-suddi-vpershe/>). The HQC also posted sample test items from the previous national anonymous test to familiarize judicial candidates with anonymous test structure in advance, as recommended by the FAIR short-term judicial testing and training expert Leonid Sereda (<http://vkksu.gov.ua/ua/dobir-kandidativ-na-posadu-suddi-vpershe/documents-pp/zrazki-testovih-zavdan-yaki-vikoristovuutsya-pid-chas-provedennya-anonimnogo-testuvannya-ispitu-kandidativ-na-posadu-suddi-na-viyavlennya-rivnya-zagalnih-teoretichnih-znan-u-galuzi-prava/>).

“USAID FAIR Justice Project tremendously supported the HQC in organizing the second national anonymous test of candidate judges.” Justice Ihor Samsin, Chair of the HQC.

With support from FAIR, the HQC implemented recommendations of the working group on improving the judicial selection process by amending the Regulation on the Procedure of the Judicial Anonymous Test Administration posted on the HQC website (<http://vkksu.gov.ua/ua/dobir-kandidativ-na-posadu-suddi-vpershe/documents-pp/polojennya-proporyadok-skladennya-kandidatami-na-posadu-suddi-anonimnogo-testuvannya-ispitu-ta-metodiku-yogo-otsinuvannya-2012/>). Among the most significant amendments made to the Regulation was the possibility to involve NGOs to monitor administrative procedures for the anonymous test and oversee the process; requiring the scanning and verification of judicial candidates answer sheets

immediately after the test in the presence of NGO monitors, judicial candidates, and representatives of mass media.

3,586 judicial candidates were admitted to the second national anonymous test with 110 candidates not showing up for the test. Subsequently, 3,476 judicial candidates participated in the second national anonymous test conducted by the HQC with FAIR support on June 5, 2012. In order to monitor the process, FAIR engaged professional test monitors who are currently drafting their reports on the results of the monitoring with recommendations on improving administrative procedures for the judicial anonymous testing process. These reports will be finalized and presented to the HQC who will take these recommendations into account in preparation for the next test.



Justice Ihor Samsin, Chair of the HQC, Laura Pavlovic, Director of USAID/Ukraine's Democracy and Governance Office, and FAIR COP David Vaughn, observe the second national anonymous test of judicial candidates in Kyiv on June 5, 2012.

SCHEDULE CHANGES: Due to the HQC preoccupation with conducting the second national anonymous test for judicial candidates, the final list of judicial competencies to be evaluated during the qualifications exam as well as the finalization of the results of the current selection process are rescheduled for the period of July to September 2012.

PROBLEMS: After the judicial selection process was announced, the HQC faced the need to process more than 300 applications per day, exceeding the HQC processing ability. Long lines of candidates who wished to submit their applications formed near the HQC office. To resolve the problem the HQC implemented on-line registration of judicial candidates to submit the applications to the HQC based on the FAIR recommendations (<http://vkksu.gov.ua/ua/dobir-kandidativ-na-posadu-suddi-vpershe/ogoloshennya/ogoloshennya-pro-mojlivist-poperednoi-elektronnoi-reestratsii-osib-yaki-bajaut-podati-zayavi-pro-uchast-u-dobori-kandidativ-na-posadu-suddi-vpershe/>). This reduced public discontent and eliminated lines, as candidates were informed in advance about the time of the visit to the HQC with their applications.

PLANS: In the next quarter, FAIR plans the following activities:

- Conduct psychometric analysis of the June 2011 qualification exam and develop recommendations to ensure similar quality and complexity of the next qualification exam. Support the HQC in implementing the recommendations (July to August 2012);
- Develop training materials on case studies evaluation and conduct relevant trainings for HQC members (July to August 2012);
- Support three or four working group meetings to finalize a list of judicial competencies that should be evaluated during the qualifications exam (April to July 2012);

Performance Indicators ER 2.1

During this reporting period with FAIR support, HQC approved the updated and improved the Regulation on the Procedure of the Judicial Anonymous Test Administration. In addition, FAIR trained 11 justice sector personnel as judicial test developers.

The status of FAIR indicator "Number of procedures within the judicial appointment process improved with project support" changed from a 0 baseline to 1, and status of indicator "Number of judicial test developers trained with project support" changed from a 0 baseline to 11.

- Develop a list of recommendations to improve the transparency of the judicial selection process based on the results of the monitoring of the initial anonymous test (April to August 2012); and
- Validate the test questions written by the trained test item writers (July to August 2012).

EXPECTED RESULT 2.2: UKRAINIAN JUDGES ARE DISCIPLINED IN TRANSPARENT PROCESSES

ACCOMPLISHMENTS: During this reporting period, FAIR continued supporting the HQC in developing clear judicial discipline procedures. In order to learn the status, activities, and functions of disciplinary inspectors in various European judicial systems and to present findings for consideration by the HQC, FAIR Judicial Accountability Coordinator Ashot Agaian attended the Third International Conference on Exchange of Experiences between European Union Countries concerning relations in various Judicial Systems between the functions of Inspectorates of the Ministry of Justice and the Councils for the Judiciary and/or Autonomous Government Bodies, held by the Italian High Council for the Judiciary in Rome on June 4 and 5, 2012. The conference brought together senior-level judicial leaders, judges, disciplinary inspectors from Italy, Spain, France, Portugal, England and Wales, Scotland, the Netherlands, Belgium, Hungary, Romania, Albania, Bulgaria, Lithuania, Estonia, Turkey, and Egypt. During the conference many relevant issues regarding judicial misconduct investigation were discussed. These discussions will lead to the application of common judicial investigation standards in various countries, as indicated by Ernesto Lupo, the First President of the Court of Cassation of Italy and member of the Presidential Committee of the Italian High Council for the Judiciary.

Milestone Progress ER 2.2

- Developed a draft Instruction on Verification Procedure and Decision-Making in Disciplinary Proceedings against Judges and presented draft for HQC consideration.
- Presented amendments to the draft Instruction on Verification Procedure and Decision-Making in Disciplinary Proceedings against Judges, as well as drafted Job Description for Disciplinary Inspectors and Regulation on Service of Disciplinary Inspectors for HQC consideration.
- Issued the RFP to develop importing module to enable the posting of judicial discipline decisions to the HQC website.

The conference resulted in a number of recommendations that can be applied in Ukraine, some of which include:

- The independent body that is not involved in consideration of disciplinary cases shall conduct judicial misconduct investigations;
- Judicial Discipline authority shall be composed of judges and lawyers (university professors, civil society organizations' representatives), but majority of them shall be judges;
- The executive branch bodies shall not be involved in judicial discipline process, otherwise it shall be considered as breach of judicial independence principle;
- Regarding performance of investigations, all communications between inspector and judges or witnesses must be in writing; after verbal communications inspector shall compose a protocol.

FAIR presented all recommendations developed at the conference for HQC consideration.

Also, FAIR issued the request for proposals (RFP) to improve the existing HQC website capacity in order to meet legislative requirements for posting disciplinary decisions. With the HQC representatives' participation, FAIR held the evaluation committee and selected a winner of the tender. According to the RFP, the selected winner should accomplish this assignment by July 20, 2012.

From June 17 to 28, 2012, as requested by the HQC, FAIR conducted the Judicial Discipline Study Tour to the U.S. Eight members of the HQC, namely, HQC Chair Ihor Samsin, Lidiia Gorbacheva, Viktor Mikulin, Volodymyr Vikhrov, Anatoliy Martsynkevych, Viktor Shargalo, Mykola Pinchuk, Dmytro Sokurenko, also Deputy Chief of the HQC Secretariat Nani Otroda, Chief of the Disciplinary Inspectors Department Vasyl Kosenko, two Disciplinary Inspectors Liuchiya Tsymoh and Viktor Gevko, Deputy Head of the Council of Judges of Ukraine Raisa Khanova and representative of the Parliament Committee on Justice Antonina Gasanova participated in the Study Tour. During the visit, participants met with representatives of three U.S. Commissions on Judicial Conduct in Atlanta - State Georgia, Seattle - State Washington, and San Francisco - State California to learn about the U.S. best practices of judicial misconduct complaints docketing, filtering, investigation, and adjudication. Additionally, participants of the study tour met with the U.S. governmental officials, state and federal judges to learn about judicial election and appointing procedures in the U.S. Currently FAIR is working with the participants of the Judicial Discipline Study Tour to the U.S. in preparation of a report on the results of the visit that will include an action plan on the implementation of the best judicial discipline practices in Ukraine, such practices include:

- Automate the process of judicial selection and discipline in order to streamline them and make efficient;
- Implement strict filtering of improper complaints;
- Increase number of sanctions in order to impose sanctions in accordance with the severe of judicial misconduct;
- Develop and implement electronic database of judges profiles;
- Reduce statutory limitation in the disciplinary process;
- Increase public outreach, etc.

Finally, FAIR presented amendments to the draft Instruction on Verification Procedure and Decision-Making in Disciplinary Proceedings against Judges, as well as the draft Job Description for Disciplinary Inspectors and Regulation on Service of Disciplinary Inspectors for HQC's consideration. As most of the HQC members participated in the above-mentioned study tour to the U.S., FAIR expects the HQC to approve these documents in the next quarter. According to the drafts, disciplinary inspectors will be obliged to compose a written document on every stage of judicial misconduct investigation process. However, the HQC cannot provide all disciplinary inspectors with computers. In order to make the disciplinary inspectors' activities more effective and to meet international standards on conducting judicial misconduct investigations, FAIR issued the RFP for delivery of laptops for the HQC. FAIR expects the delivery to be accomplished by the end of July 2012.

SCHEDULE CHANGES: FAIR planned to accomplish development of modules for the HQC website in this reporting period. FAIR issued the RFP on developing modules on April 4, 2012. However, in three weeks after issuance of the announcement FAIR received no proposals and had to reissue the RFP, which caused a delay in accomplishment of this task. Also, FAIR plans to document current practice within the judicial discipline process. As FAIR expects the HQC to approve the amended documents governing the

Performance Indicators ER 2.2

FAIR made important measurable progress during this quarter on its effort to achieve the Expected Result 2.2. The status of indicator "Percent of judicial misconduct complaints submitted to the HQC using the standardized form" increased to 9, 5% this quarter comparing to 4% previous quarter and to a 2% baseline. Annual 2012 data is rated a 7, an increase of 3% due to the fact that in previous quarters the usage of standardized form was lower then now. The indicator, "Percent of judicial discipline decisions posted on HQC website," however, is only 6, 5% this quarter comparing to 100% last quarter and the annual 2012 data is 64%. In addition, 3 HQC disciplinary inspectors participated in judicial selection and discipline study tour to the US contributing to the change in the status of FAIR indicator "Number of judicial disciplinary inspectors trained with project support" from 0 baseline to a 3 as of June 30, 2012.

judicial discipline process soon; these changes must will be reflected in the report. Furthermore, FAIR will document current practices within the judicial discipline process with all relevant changes in the next quarter.

PROBLEMS: While installing the modules for the HQC website, FAIR may face a problem with access to the Document Management System used by the HQC. The HQC does not own this system and needs permission to get access to the database in order to update the process of importing decisions to the website. There is a certain risk that the owner of the system will not give such access. However, FAIR discussed this potential problem with the winner of the tender, who proposed an alternative solution.

PLANS: During the next quarterly reporting period, FAIR plans the following activities in order to achieve the Expected Result 2.2:

- Work with the HQC to document current practice within the judicial discipline process;
- Prepare and deliver a training curriculum for judicial discipline inspectors;
- Work with the HQC to develop a verification procedure manual for judicial discipline inspectors and instructions for separate stages within judicial misconduct investigations; and
- Update and disseminate a leaflet on judicial discipline procedure, distribute it to all courts, and work with counterparts to post the electronic version of the updated leaflet on their websites.

EXPECTED RESULT 2.3: THE REGULATORY AND INSTITUTIONAL FRAMEWORK FOR JUDICIAL ACCOUNTABILITY AND INTEGRITY IS STRENGTHENED

ACCOMPLISHMENTS: During this quarterly reporting period, the FAIR team continued its support of the Expert Group on Reviewing and Amending the Code of Judicial Ethics under the COJ. In particular, FAIR organized expert evaluation of the working draft Code of Judicial Ethics by COE, U.S. and Ukrainian experts on its compatibility with international and European

standards and best practices of judicial conduct as well as Ukrainian legislation on prevention of corruption. FAIR experts prepared three expert opinions, which were presented to the Expert Group. In those opinions the experts provided a number of important recommendations for improving the draft Code. They suggested more specific and clear language of the Code provisions, in particular in regards to a judge's self-recusal, restrictions in accepting gifts, testaments, loans or other services, and a judge's limitation to handle cases for family members. In addition, FAIR started preparation of comments to the draft Code and plans to complete it in the fall of 2012.

Also, FAIR launched a series of regional discussions on the draft Code. First two discussions were held in Odesa and Lviv in May. These events gathered judges from those two regions, as well as the Mykolayiv, Kherson, and Volyn regions and enabled the participants to discuss the provisions of the draft Code and suggest improvements. It

Milestone Progress ER 2.3

- The COJ approved the draft amended Code of Judicial Ethics which would be a basis for wide discussion among the judiciary and further adoption by the Congress of Judges.
- FAIR organized 2 out of 7 regional discussions on the draft Code of Judicial Ethics.



Tetiana Kozyr, Secretary of the COJ, during the roundtable discussion on the draft Code of Judicial Ethics in Lviv on May 30, 2012.

should also be mentioned that delegation from Maryland, U.S. including Judge Richard Bennett, Judge Catherine Curran O'Malley, Judge Mary Ellen Barbera, Circuit Court Administrator Pamela Harris, State's Attorney John J. McCarthy took part in the discussion while their visit to Odesa. Judge Richard Bennett made a presentation on Judicial Ethics and Disclosure in the U.S. Federal Court System. Participants of the regional discussions recommended to shorten the preamble to the draft Code, specify the judge's out-of-court behavior, distinguish one-time and systematic violation of the Code's provisions, as well as to define in the text of the Code those violations which may lead to disciplinary sanction. FAIR plans to organize five more regional discussions on the draft Code (in Ivano-Frankivsk, Chernihiv, Sevastopol, Donetsk, and Kharkiv) from July to October 2012 to ensure it is widely discussed and accepted by the judicial community.

The draft Code is also being actively discussed on a web forum launched by the COJ in April 2012. In accordance with action plan for updating the Code of Judicial Ethics approved jointly by the COJ and FAIR in 2011, the COJ will analyze all the suggestions when preparing a final draft version of the Code for approval by the Congress of Judges in December 2012.

PROBLEMS: In the course of regional discussions the participants highlighted a number of critical remarks as to the Code's provisions, in particular in regards to the draft Code's structure and the need to specify definitions of systematic or gross, one-time violations of the judicial conduct rules that are grounds for judicial discipline. FAIR will take into account these remarks in further work on the draft Code.

PLANS: During the next quarterly reporting period, to support activities of the Expert Group FAIR will:

- With COJ co-sponsorship, continue organization of stakeholder regional events to discuss the content of proposed amendments and opportunity to assert judicial self-governance through an amended Code (July to September 2012). Proposed amendments on the COJ website and solicit feedback from judges all over Ukraine. The results of regional discussions will be presented during the international conference to be tentatively held in November 2012;
- Support the COJ in finalization and/or improvement of the draft Code until its adoption by the Congress of Judges of Ukraine, and prepare commentary to help judges apply the Code in the intended manner (July to September 2012).

Performance Indicators ER 2.3

The measurable progress under this ER has changed the status of FAIR indicator "Number of judges providing feedback to revisions of judicial self-governance mechanism" from a 0 baseline to a 93.

EXPECTED RESULT 3.1: THE SKILLS AND COMPETENCIES OF UKRAINIAN JUDGES ARE BOLSTERED THROUGH MODERN, DEMAND-DRIVEN, INITIAL, AND ONGOING JUDICIAL TRAINING PROGRAMS

ACCOMPLISHMENTS: During this reporting period, FAIR team continued to support the NSJ working group on developing curricula for the initial training program for judicial candidates by selecting and proceeding with the local Ukrainian experts.

FAIR and Ukrainian authors prepared the final draft of the Handbook on Judicial Opinion Writing (the second edition) and involved Ukrainian judges and faculty of the NSJ to get their review and comments on the draft text.

Milestone Progress ER 3.1

- Completed the NSJ institutional needs assessment.
- Completed the NSJ initial and ongoing training needs assessment.
- Established the working group on developing the curricula for initial training of judicial candidates.

FAIR supported Ukrainian judges to be prepared for challenges appeared after adoption of a new legislation, in particular the Criminal Procedure Code and Law on Election of Members of the Parliament of Ukraine.

On June, 8 2012, the Protocol of Cooperation between Chemonics International Inc./USAID Fair, Accountable, Independent, and Responsible (FAIR) Judiciary Program in Ukraine and High Administrative Court of Ukraine (HAC) was signed by FAIR COP David Vaughn and Chief Judge of the HAC Ihor Temkizhev in Kyiv. The Protocol foresees among other activities common efforts on carrying out a series of seminars for judges of administrative courts in certain topics (European Court on Human Rights practice, electoral issues etc), implementing jointly with the NSJ the programs for ongoing training and coordination of cooperation with the Supreme Court of Ukraine to form a unified practice of applying legislation by administrative courts of Ukraine.

On June 8, 2012, FAIR in cooperation with the HAC and the USAID-funded International Foundation of Electoral Systems (IFES) conducted the conference “Elections – 2012: Application of Law.” Ihor Temkizhev, Chief Judge of the HAC, opened the conference and thanked FAIR for its support in the preparation and implementation of the conference, as well as the other 9 regional seminars.

“It became a tradition to introduce numerous legislation changes on the eve or during election campaigns, which makes it considerably more complicated to apply legislation. I hope that stability of election legislation in 2012 will become one of the prerequisites of ensuring the uniformity of case law when adjudicating election disputes and will contribute to their speedy resolution.” Ihor Temkizhev, Chief Judge of the HAC.

Maryna Stavniichuk, Advisor to the President of Ukraine and Head of Presidential Administration Main Office for Constitutional and Legal Modernization Affairs, Yuriy Kliuchkovskiy, Member of Parliament (MP), Oleksandr Barabash, President of the Association of Members of

Parliament of Ukraine, Andrii Magera, Deputy Head of the Central Election Commission of Ukraine, Volodymyr Kovtunets, expert of the Electoral Law Institute and MP of the 2nd convocation participated in the conference. Eighty attendees – judges of appeal administrative circuits of Ukraine - had the opportunity to discuss the novelties of the new Law on the Election of Members of the Parliament of Ukraine, exchanged opinions on the topical issues of interpretation of the law, and contributed to forming equal practice of the law application by courts in light of Ukraine’s obligations to ensure free parliamentary elections.

This event launched a series of nationwide regional seminars in all appeal administrative circuits of Ukraine commencing on June 13, 2012 in Vinnytsia Appeal Administrative Court. FAIR continued this work in Zhytomyr (June 18), Odesa (June 22), and Sevastopol (June 26) administrative appeal courts. These events are being co-organized by FAIR and IFES together with



FAIR COP David Vaughn, HAC Chief Judge Ihor Temkizhev and Advisor to the President of Ukraine - Head of Presidential Administration Main Office for Constitutional and Legal Modernization Affairs Maryna Stavniichuk during the conference “Elections – 2012: Application of Law” in Kyiv on June 8, 2012.

the HAC. They are important because they will give an opportunity to the participants to become more familiar with election law and will contribute to unified application and interpretation of this legislation. There were 222 participants in these seminars representing 93 courts from 15 oblasts; they learned the peculiarities of the application of new election law in the course of the consideration of election disputes. FAIR provided participants in regional seminars with a full set of materials from the above mentioned conference, including texts of all presentations made by Members of the Verkhovna Rada, representatives of the Presidential Administration, the Central Election Commission of Ukraine, and academicians. In addition, the set of conference materials included texts of selected decisions of the European Court of Human Rights against Ukraine related to violation of Article 10 (Freedom of expression) and Article 3 (Free elections) of the Protocol 1 to the European Convention on Human Rights. FAIR is planning to conduct five more regional seminars in Dnipropetrovsk (July 3), Kharkiv (July 4), Donetsk (July 11), Lviv (July 18), and Kyiv (July 25) before the election campaign starts on July 30, 2012.

As stated above, on May 14, 2012, the President of Ukraine signed the CPC which comes into force in November 2012. Thus, judges sitting on criminal cases will need intense training on the application of the new code. The NSJ needs an emergency training plan for 2012 to meet these challenges. Cooperating with the U.S. Department of Justice Overseas Professional Development and Training (OPDAT) and ABA Rule of Law Initiative (ABA ROLI), FAIR Project organized four coordinating meetings for above-mentioned donors and the NSJ to identify priority areas for training, reach consensus on implementation of the key CPC provisions, and build a team of judges and teachers which will train their colleagues on the novelties of the new code. These activities are linked to the Expected Result 1.1. As a result of these meetings, on June 18, 20, 21, and 23 2012, FAIR in cooperation with the NSJ conducted two train-the-trainers seminars for 51 judges who hear criminal cases. These trainings are the first in the series of trainings on CPC implementation. The participants of the trainings learned teaching methods, acquired skills to develop training materials, as well as methods to train their peers; using different styles and teaching techniques. This team of trainers will study substantive issues on the CPC ideology and novelties in September 2012 with participation of Ukrainian and foreign criminal procedure experts. The judges-trainers will use received skills and knowledge to train other judges on CPC nationwide.

In addition, FAIR presented to the NSJ with the institutional and training needs assessment report prepared by FAIR institutional and training needs assessment experts Mary Fran Edwards, former Deputy Director of the (U.S.) National Judicial College in Reno - Nevada, and Daniel Chasles, Secretary General of the National School of Magistrate of France. As presented in the previous quarterly report, the needs assessment provides a number of key recommendations to improve the operations of the NSJ with FAIR support, including developing a mission statement, a strategic plan for the next five years, and an action plan for the coming year; an audit of the management skills of the leadership of the NSJ; enhancing the NSJ's capacity to develop its faculty and design, implement and evaluate training programs with clearly presented learning objectives.

PROBLEMS: The NSJ and FAIR are facing a special challenge in 2012 when the new Criminal Procedure Code comes into force. FAIR institutional and training needs assessment experts Mary Fran Edwards and Daniel Chasles stated in their NSJ assessment report *“It is necessary to conduct a series of trainings throughout the country for relevant professionals: investigators, criminal trial judges, prosecutors and lawyers to educate them on provisions of the new code. Judges who handle criminal cases will need training on the new CPC and advice on how to update procedures, time frames, and*

Performance Indicators ER 3.1

FAIR made measurable progress during this quarterly reporting period under the Expected Result 3.1. FAIR trained 320 judges and judicial personnel contributing to the indicator “Number of judges and judicial personnel trained with USG assistance”. This number includes 251 judges contributing to the indicator “Number of judges trained with USG assistance.” “Number of TOT trainers created” also increased this quarter as FAIR trained 51 judges in adult learning techniques to train other judges in application of the new Criminal Code.

documentation to be in compliance with the new code. Taking into account weak institutional capacity of the NSJ, the joint efforts of all relevant state bodies and donor organizations in conducting such kind of trainings and other activities in this field are more than welcomed.”

PLANS: During the next quarter, FAIR will:

- Conduct regional seminars on electoral issues in Dnipropetrovsk (July 3), Kharkiv (July 4), Donetsk (July 11), Lviv (July 18), and Kyiv (July 25);
- Cooperation with the OPDAT and NSJ work to develop unified court templates to be used by judges to speed up the process (home arrest order, ban release, plea agreement court approval etc.) after the new CPC comes into force;
- In cooperation with the OPDAT and NSJ work on development curriculum and train judge trainers on substantive issues on the CPC novelties (September 2012). This activity is linked to the Expected Result 1.1;
- Work with the NSJ and HQC to finalize the texts of a Judges’ Book and the second edition of the Judicial Opinion Writing Handbook; and
- Issue an RFA and award one grant to Ukrainian NGOs with objectives to develop the curricula for initial and ongoing trainings programs for judges on rule of law and human rights, with practical emphasis on the European Convention on Human Rights and Fundamental Freedoms and the case-law of the European Court of Human Rights.

EXPECTED RESULT 3.2: JUDICIAL OPERATIONS ARE EVALUATED AND FUNDED ACCORDING TO AN OBJECTIVE ASSESSMENT OF NEEDS AND PERFORMANCE

ACCOMPLISHMENTS: In cooperation with the COJ and SJA, FAIR continued to support the development of national court performance standards during this quarterly reporting period by providing expertise, technical assistance, information, coordination, and logistics support to the Court Performance Evaluation Working Group (CPE Working Group), the SJA Subgroup for Developing Court Performance Standards of the Working Group on Innovations (SJA Subgroup), and 13 pilot courts.

Milestone Progress ER 3.2

- Developed draft framework for court performance standards and defined four quality areas.
- Identified 13 courts to pilot court performance standards.
- Performance measurement tools (with sub-criteria and indicators) are developed for each quality area in the framework.
- 46 representatives of pilot courts and SJA trained in implementation of court

Two joint meetings of the CPE Working Group and SJA Subgroup took place this quarter where the representatives of the COJ, SJA, High Civil and Criminal Court (HCCC), HAC, courts of general jurisdiction, administrative and commercial courts, FAIR project and Ukrainian court performance evaluation experts discussed a number of questions and issues related to developing national court performance standards, particularly:

- Development and approval of the action plan for court performance evaluation framework finalization, pilot testing, and presentation to the COJ and SJA;
- Finalization of standard-based draft court performance evaluation framework including criteria, guidelines and measurement tools;
- Approval of court performance evaluation framework for pilot testing in 13 selected courts;
- Review and approval of a template for a pilot court report on testing of court performance evaluation framework;
- Training of pilot court representatives in court performance evaluation; and
- Coordination of FAIR project technical and expert support to pilot courts.

In addition to the working group meetings, FAIR conducted training for representatives of pilot courts who implement court performance evaluation. FAIR trained 46 individuals in following topics:

- Purpose, goal, and objectives of court performance evaluation;
- Internal court performance evaluation modules – Court Management, Timeliness of Considering Cases and Court Decision and their implementation by designated court staff;
- External court performance evaluation module – Court Users Satisfaction, role of court staff in its implementation;
- Data collection and data entry;
- Comparative analysis of court internal performance evaluation and court external performance evaluation; and
- Preparation of court performance evaluation report.

During this quarterly reporting period, thirteen pilot courts including 9 first-instance courts and 4 courts of appeals started using the standard-based court performance evaluation system. These courts represent 6 regions of Ukraine, among them there are 9 courts of general jurisdiction, 3 administrative courts, and 1 commercial court. FAIR provided pilot courts with finalized court performance measurement tools, printed copies of forms and questionnaires, CDs with data entry software CSPro 4.1, electronic data-entry forms and instructions to use them. FAIR conducted a site visit to Kirovohrad Oblast Court of Appeals in order to provide on-site consultations to court representatives – implementers of internal court performance evaluation.

COJ representative informed FAIR that the COJ oversees this initiative and discusses it at its meetings. At the moment, the COJ is going to recommend pilot courts to include in their work plans a special section - “Analysis and possible improvement of court performance”. The COJ envisions that in the future it will recommend this section to include in work plans of all courts of Ukraine. In COJ opinion, this process will help to identify the main indicators of court performance evaluation that will be approved by specialized councils of judges. The COJ, SJA, and courts will use these indicators to improve court performance and publicize them on the SJA web-portal.

The outcomes of FAIR activities on developing court performance evaluation standards during this reporting period include:

- Finalized the draft of the standardized court performance evaluation framework, based on four quality areas; timeliness of court proceedings, quality of court decisions, effectiveness of court administration, and court user satisfaction. Each quality area has from three to seven sub-criteria and from five to ten indicators.
- Court performance evaluation tools including Court Staff Questionnaire, Judges Questionnaire, Court Decision Analysis Form, Timeliness of Case Consideration Analysis Form, and Court Users Satisfaction Questionnaire finalized.
- Developed data entry forms for court performance evaluation.
- Pilot court staff trained in application of court performance evaluation tools and data entry.
- Developed template of a court report on testing of court performance measurement framework and approved by the working group.
- Thirteen pilot courts started the implementation of court internal performance evaluation. Simultaneously, these thirteen courts are participating in external court performance evaluation program by way of citizen report cards (CRC) surveys.

FAIR also continues its activity to strengthen the efficiency of Ukrainian court statistical data collection, processing, and analysis. FAIR short-term judicial statistics expert Maryna Ogay reviewed the current process of court statistical data collection and analysis and assessed to which degree it complies with the European Commission for the Efficiency of Justice (CEPEJ) guidelines for court statistics and international statistical data standards developed by the EuroStat Agency and adopted by the Ukrainian State Statistical Agency for implementation in Ukraine. FAIR judicial statistics expert concluded that Ukrainian court statistics is overly complicated with isolated segmental data to effectively serve management and reporting purposes. In addition, the process of Ukrainian court statistical data collection, analysis, and reporting is under the dozens of outdated regulations from the executive branch of power. The basic recommendations developed by FAIR short-term judicial statistics expert include the following:

- The SJA should formulate the objectives of court statistic process in Ukraine and manage the functions of its statistical department in order to achieve these objectives;
- The SJA should identify the range of Ukrainian court statistics users and conduct their survey in order to identify what are long-term user needs in court statistic data;
- It is important that the SJA conducts its self-assessment in regards to data collection and data quality efforts for further development and strengthening; and
- The SJA in cooperation with FAIR project should develop unified regulations for court statistical data collection, analysis and presentation, and develop appropriate unified guidelines for courts.

In addition, FAIR short-term judicial statistics expert presented a set of standard administrative indicators that measure the compliance of statistical data with six international quality standards, e.g. relevancy, reliability, timeliness, accessibility and clarity, comparability, coherence. FAIR judicial statistics specialist recommends that the SJA should take these standard indicators as a base and modify them in order to measure its quality data on an on-going basis.

During this reporting period, FAIR also continued to support the implementation of the case weighting study, designed by short-term case weighting expert Dr. Elizabeth Wiggins of the Administrative Office of the U.S. Courts. In April 2012, FAIR sent the draft questionnaire forms for the first round of the study to judges of Podilskiy and Obolonskiy courts of the City of Kyiv and the SJA for review, and finalized the forms based on their feedback. On May 15, 2012, the SJA sent the final forms to the 666 trial courts of general jurisdiction, requesting the chief judges of these courts to complete the forms by June 1, 2012. Most of the courts have returned the forms as of June 4, 2012; however, courts of several regions still have not submitted data. At the same time, FAIR short-term judicial statistics expert Maryna Ogay completed the development of the electronic data input forms for the first round of the survey using the open source CSPro software. On June 7, 2012, FAIR conducted a training session for SJA staff from the department of statistics on installation and input of data into the forms. FAIR also provided the SJA with installation CDs of the software. On June 11, 2012, the SJA started the input of data from the forms into the database. We expect the process of data input for civil and criminal cases to be completed by July 15, 2012, and the input of data for administrative cases and administrative offences – by July 30, 2012. However, since the SJA currently experiences a shortage of human resources due to the semiannual reporting period, these timelines may have to be extended.

Performance Indicators ER 3.2

13 courts started pilot testing of court performance evaluation standards and modules during this reporting period contributing to the indicator "Number of courts involved in piloting court performance standards". We do not report on other indicators under this expected results this quarter as related activities and expected outputs are planned for the period of July to September 2012.

Finally, on June 8, 2012, FAIR conducted a tender aimed at the procurement of two packages of the statistical and analytical software SPSS for the SJA, as well as the conduction of training courses for SJA staff on the usage of the system. The SJA will be able to use this software to analyze the data resulting from the case weighting study, as well as any other statistical data relevant to its activities. As a result of the tender, FAIR selected a vendor of the application and services, and expects them to be delivered by the end of July 2012.

PROBLEMS: In developing the court performance evaluation framework, FAIR caught up with previous delays caused by certain level of disagreements between the CPE Working Group and SJA Subgroup. Currently, the pilot testing of court performance evaluation framework is going on in accordance with FAIR work plan and CEP Working Group action plan. Meanwhile, FAIR experiences delays in terms of strengthening court statistical data collection. The SJA has insufficient number of personnel who are dealing with court statistics and very unclear system of data collection, processing and analysis; thus, it is an issue for FAIR short-term judicial statistics expert to obtain necessary data and SJA staff contribution in conducting the assessment and preparation of recommendations. Another issue is that the updated case management system in courts that SJA recently developed and distributed to all courts is not user-friendly in terms of statistical data collection. FAIR corrective actions to this activity include analysis of currently available statistical data, documentation with international statistics quality standards, and developing recommendations to the SJA statistical department to conduct self-assessment of compliance with the international standards and additional/follow-on surveys at a later stage if required.

Also, FAIR may experience a delay with the implementation of the case weighting study due to the vacations period and the semiannual reporting period, which heavily reduces the capacity of the SJA to process data from the first round of the survey. FAIR will remedy this through using its internal resources to input part of the data. For the input of data from the second round of the survey, FAIR will outsource the data input to an NGO or professional group.

PLANS: In the next quarter, FAIR plans the following activities in order to achieve the Expected Result 3.2:

- Continue and finish the pilot testing of developed standardized framework for court performance evaluation and court performance evaluation tools in 13 Ukrainian courts in collaboration with Task 4.3. Prepare individual court performance evaluation reports and final report on the pilot testing of the framework. (July to September 2012);
- Support up to two meetings of the CPE working group and SJA subgroup to review the results of pilot testing of court performance evaluation system and develop presentation of results to the SJA and COJ (August to September 2012);
- Through the CPE working group and short-term experts update court performance evaluation framework and tools according to results of the pilot testing. (September 2012);
- Present the results of pilot testing of court performance evaluation framework to the COJ, specialized councils of judges and SJA at an organized roundtable discussion (September 2012);
- Finalize the list of recommendations for improving SJA statistical data collection and analysis. Discuss these recommendations with those engaged in strategic planning for the judicial branch, SJA budgeting and the SJA working group for developing court performance evaluation standards (July to September 2012);
- In coordination with Task 3.3.3, prepare a list of recommendations to improve case management systems in courts to enable the systems to collect necessary statistical data for SJA strategic planning, budgeting, and court performance evaluation. (July to August 2012);
- Launch and conduct objective time survey in participant courts. Working with an NGO partner through a subcontract for data entry, input objective time study data, analyze data from the questionnaires, analyze objective time study data, and prepare draft case weights;

- Conduct two to four regional focus groups with judges of trial courts and COJ and SJA representatives to validate draft case weights; and
- Conduct meetings with representatives of the SJA and COJ to explore the possibility to initiate several pilot programs based on the recommendations prepared by FAIR short-term court budgeting specialist Markus Zimmer.

EXPECTED RESULT 3.3: THE SJA'S CAPACITY TO REPRESENT AND SUPPORT THE DEVELOPING NEEDS OF UKRAINE'S JUDICIARY IS STRENGTHENED

ACCOMPLISHMENTS: During this quarterly reporting period, FAIR continued to work with the SJA and COJ on the development of a strategic plan for the judiciary by conducting focus group discussions on the draft plan in Odesa on May 18, 2012, Lviv on May 30, Lutsk on June 1, and Kirovograd on June 8, 2012.

FAIR supported participation of the delegation from Maryland, U.S. including Judge Richard Bennett, Judge Catherine Curran O'Malley, Judge Mary Ellen Barbera, and Circuit Court Administrator Pamela Harris, in the focus group discussion while their visit to Odesa. At these regional focus group discussions, participants identified a number of key recommendations to improve that draft strategic plan, including making the plan more practical and realistic, include legislation to be approved for its implementation over a three-year period, directing the plan at the achievement of specific goals, including a detailed implementation plan into the draft, and providing for adequate financing for its implementation.

Milestone Progress ER 3.3

- Drafted and discussed strategic plan by key stakeholders who participated in five focus groups, conducted conference on strategic planning, and an open space event.
- Printed manual on Human Resource Management and sent to all courts (in progress).

FAIR is also working with the SJA on preparing a strategy for automating the courts of Ukraine. FAIR conducted a series of meetings with SJA and State Enterprise Information Court Systems staff to agree on the main elements and language of the strategy. On June 11, 2012, FAIR short-term court automation expert Borys Shuster completed the preparation of the draft, including a detailed estimate of hardware needs of the courts of Ukraine. During the next reporting period, FAIR anticipates conducting two to three focus groups with the purpose of drafting a strategic plan for the judiciary of Ukraine; validating and finalizing the draft, and then submit it for approval to the SJA and COJ in September 2012.

FAIR also continued working on the manual on Human Resource Management (HRM) for court chiefs of staff and judges. FAIR staff reviewed the content of the manual and provided recommendations on making it easier to read for audiences which are not familiar with specific HRM terminology and concepts by adding references and footnotes throughout the text of the manual. Once these changes are incorporated into the text, FAIR will proceed with printing and disseminating the manual.

On May 7, 2012, FAIR announced the tender for the printing of the book dedicated to the 10th anniversary of the SJA. Due to SJA staff vacations and FAIR staff participation in the above-mentioned IACA Conference at the Hague and Judicial Discipline Study Tour to the U.S., the evaluation of tender proposals will take place early in the next reporting period. FAIR expects the book to be printed by August 20, 2012. FAIR also committed to providing support to the SJA in the organization and implementation of an international conference on court innovations, scheduled to take place from September 10 to 12, 2012 and providing up to 5 international experts as speakers at the conference, and sponsoring the participation of representatives of Ukraine's judiciary at the event.

In addition, on June 8, 2012, FAIR conducted a tender for the delivery of three trainings for court chiefs of staff from three different regions of Ukraine based on the curriculum and manual

developed by FAIR. As a result of the tender, FAIR selected the Ukrainian Association for Court Advancement (UACA) to conduct the trainings. We expect the UACA to start the trainings in September, and complete them in late October 2012. This constitutes a one-month delay of the originally planned timelines, due to the start of the vacation period, when the UACA will have difficulties inviting the required number of participants for each of the trainings.

SCHEDULE CHANGES: Due to the circumstances described above, FAIR expects falling behind on its initial plan to complete the three HRM trainings by the end of September 2012. However, we aim to work with the UACA to ensure the delay be limited to no more than one month, and trainings to start as soon as court staff return from their summer vacations.

PLANS: In the next quarter, FAIR plans the following activities in order to achieve the Expected Result 3.3:

- Conduct regional focus group discussions on the draft strategic plan for the judiciary in Ivano-Frankivsk (July 13), Khmelnytskyi (July 18), Chernivtsi (July 20), Cherkassy (August 31), Sevastopol (September 7), Kharkiv (September 14), and Donetsk (September 21);
- Conduct analysis of SJA organizational structure and prepare recommendations for enhancement and development of current practices and processes;
- Finalize the HRM manual prepared by FAIR short-term human resources management expert Valeriya Sergienko, produce up to 10,000 copies of the manual and disseminate at least two copies to every court in Ukraine;
- Conduct three regional trainings for chiefs of staff on human resource management policies and procedures based on the HRM manual and the former HRM curriculum developed by the UACA under UROL;
- Conduct two to three focus group discussions to validate and finalize the draft automation strategy; and
- Support the implementation by the SJA of an international conference on court automation, case management, and communications that will build off the IACA conference attended in June 2012.

Performance Indicators ER 3.3

During this reporting period FAIR supported sub-groups for developing a strategic plan and sub-group for developing court performance standard of the SJA Working Group on Innovations contributing to FAIR indicator "Number of project-supported organizational structures within the SJA" under the Expected Result 3.3 where this quarter data is 2 and annual 2012 data is 4.

FAIR involved 47 justice sector personnel during this quarter in strategic planning through focus group discussions in two regions. It contributes to FAIR indicator "Number of justice sector personnel constructively engaged in long term strategic planning for the judicial branch" where this quarter data is 47 and annual 2012 data is 254.

EXPECTED RESULT 4.1: CIVIL SOCIETY AND THE PUBLIC HAVE EFFECTIVE MEANS TO ENGAGE IN DIALOGUE WITH DECISION MAKERS REGARDING JUDICIAL REFORM

ACCOMPLISHMENTS: During this reporting period, in order to strengthen cooperation between civil society, public, judicial self-governance bodies and decision makers regarding judicial reform, FAIR prepared an RFA on proposed and pending legislation and will support selected CSOs in establishing working contacts with target audiences and both Ukrainian and international experts with relevant experience.

Milestone Progress ER 4.1

- Conducted meetings with potential CSO grantees regarding research on pending legislation.
- RFA on pending legislation prepared.

Throughout the reporting period, FAIR participated in specialized fairs that were supported, among others, by the U.S. Embassy in Ukraine.

On May 21, 2012, FAIR representatives participated in the “Modern Libraries: Developing Communities” Fair co-organized by Bibliomist, the Ministry of Culture of Ukraine, National Parliamentary Library of Ukraine (NPLU), Ukrainian Library Association (ULA), GURT Resource Center, USAID Parliamentary Development Program II (PDP II), and Public Affairs Section of the U.S. Embassy. During the event FAIR disseminated public awareness kits containing “Getting Acquainted with the Court” video, brochures, leaflets, and posters on the judiciary. CSOs, libraries, scientific communities, and experts attended the fair. As a result, FAIR provided participants with more information on judicial reform processes and hopefully improved their engagement in dialogue with decision makers.

Also, on June 21, 2012, FAIR participated in the LGBT Information Fair organized by the U.S. Embassy in Kyiv. The goal of the event was to help connect Embassies and Organizations which provide financial, technical, or other assistance to LGBT NGOs which may be eligible to receive such assistance. While FAIR did not provide targeted assistance to such groups, the project has shown a willingness to partner with, or provide other support to LGBT NGOs in Ukraine to advance the human rights in Ukraine. Such partnership is in line with the U.S. Embassy’s public outreach policy.

In June 2012, FAIR representatives participated in the meeting of Coordinating Council of Civil Society Development, which was set up by the President Yanukovych a consultative body to improve state-civil society partnership. Maryna Stavniichuk, Advisor to the President of Ukraine and Head of Presidential Administration Main Office for Constitutional and Legal Modernization Affairs, led the meeting. More than 60 MPs, and Presidential Administration staff, scientists, CSOs representatives (including FAIR grantees), National Television and Radio Broadcasting Council of



FAIR representatives disseminating public awareness kits during the “Modern Libraries: Developing Communities” Fair in Kyiv on May 21, 2012.

Ukraine representatives, experts and Rule of Law implementers’ representatives participated in the meeting. The participants discussed the draft Law on Peaceful Assemblies and National and International Experts Feedback. “This draft law is one of the indicators of the development of democracy in Ukraine,” stated Maryna Stavniichuk. Also, the amendments to the adopted Law on Volunteers Activity were discussed with CSOs representatives, scientists and MPs. FAIR participation in this event goes in line with the Expected Result 4.2 of the work plan and will help to strengthen FAIR advocacy for civil society and public engagement in dialogue with decision-makers regarding judicial reform.

SCHEDULE CHANGES: During this reporting period, FAIR finalized the RFA on proposed and pending legislation. The slippage was caused by some changes in pending legal framework such as Criminal Procedure Code adoption and Constitutional Assembly establishment. FAIR made appropriate changes in grant project detailed objectives in the terms of references of the RFA.

During the next reporting period, FAIR will release the RFA and expects that a competitively selected grantee will complete and disseminate research as well as conduct public roundtables and hearings on the findings in coordination with working groups under Task 1.1.4.

PROBLEMS: FAIR conducted preliminary assessments of CSOs that are potential applicants for the RFA during previous reporting period. This assessment showed some weakness in CSO capacity to advocate for proposed legislation. Additionally, FAIR identified deficiencies in cooperation between the judicial self-governance bodies, CSOs, and the lawmakers. Based on identified problems, FAIR will provide the CSOs with databases, technical support and assistance to engage CSOs in public discussions involving lawmakers, judicial self-governance bodies, and the public.

PLANS: During the next quarter, FAIR will competitively select and award grants to Ukrainian NGOs involving research and recommendations concerning proposed and pending judicial reform legislation, and fostering public input in the lawmaking process. The project's major activities will include the following:

- Support CSOs in developing report on recommendations for proposed legislation (July 2012 and ongoing);
- Assist CSOs in preparing publications in media emphasizing the necessity of Judicial Reform protraction in accordance with proposed recommendations (August 2012 and ongoing).

Performance Indicators ER 4.1

According to the Work Plan and Performance Monitoring and Evaluation Plan (PMEP) we measure progress under the Expected Result 4.1 with the indicator "Number of project-supported public events organized by Civil Society Organizations on judicial reform". We do not report progress on this indicator this quarter since FAIR has not yet identified CSO partners for this activity. We expect changes in this indicator data in July-September 2012.

EXPECTED RESULT 4.2: THE UKRAINIAN PUBLIC IS ENGAGED IN THE JUDICIAL REFORM PROCESS THROUGH CIVIC EDUCATION AND ADVOCACY ACTIVITIES

ACCOMPLISHMENTS: During this reporting period, FAIR drafted the RFA on the development of the communications and public awareness support to constitutional reform processes and the Constitutional Assembly (CA). This activity is performed in coordination with the Expected Result 1.2 and will result in supporting the Constitutional Assembly in developing and implementing a communications strategy. Grant project detailed objectives were submitted to the CA for approval. This activity was not covered by initial work plan. This innovation is substantiated by the important role played by the Constitutional Assembly in the process of judicial reform effective implementation.

Milestone Progress ER 4.2

- Initiated development of two new civic education materials.
- Drafted and submitted Communications Strategy for the Judiciary to the COJ.
- Finalized and submitted Public Information Officer job instructions to the COJ.
- Finalized and submitted Guidelines on Courts and Media Relations to the COJ.

Also during this quarter, FAIR conducted several meetings with CSOs such as, "Agency for Private Initiative Development" and "Center for Political and Legal Reforms" in order to assess their capabilities to develop and disseminate public awareness materials and communicate with media on judicial reform issues. The assessment showed that there are either CSOs with available capacities to develop and/or update public awareness materials, or CSOs with available capacities to disseminate public awareness materials and develop public awareness campaign on rights, responsibilities, and benefits of judicial and constitutional reforms. FAIR decided to delimit the responsibilities and release the RFP on public awareness materials development and RFA on public awareness campaign on rights, responsibilities, and benefits of judicial and constitutional reforms development and public awareness materials dissemination.

In addition, FAIR received acknowledgements from the MOJ regarding FAIR support of the Law Week event in December 2011 and dissemination of public awareness kits on the judiciary. The MOJ requested FAIR support for MOJ public offices for free legal aid. Such support includes providing 1,664 public offices free legal aid and 1,898 mobile consultations offices with public awareness kits. FAIR developed an RFA on public awareness campaign and public awareness materials dissemination and included the appropriate amount of requested material in terms of references of the RFA.

Given that the area of public awareness materials dissemination will cover almost all Ukraine, FAIR decided to prepare and issue the RFA on public awareness materials development in accordance with latest legislative updates such as the new Criminal Procedure Code. All developed materials will be included into the public awareness kits for further dissemination.

Throughout the reporting period FAIR supported the regional seminars for judges and court staff “Communications Strategy of the Judiciary” organized by the COJ and CJS in Lviv (on March 29 and 30, 2012) and Sevastopol (on June 7 and 8, 2012). FAIR provided participants with listed below documents and moderated discussions on the draft Communications Strategy for the Judiciary. FAIR incorporated the feedback of these seminars into the draft Communications Strategy for the Judiciary and continues advocacy towards its approval by the COJ.

Also, as a result of the aforementioned seminars, FAIR identified some deficiencies in cooperation between the judicial self-governance bodies, CSOs, and the lawmakers. Nevertheless central judicial self-governance authorities have at least some tools of the interaction with the CSO and lawmakers, while the regional judicial community does not have such interaction. Also there are neither relationships nor cooperation between judges in the regions and councils of judges. Judicial reform with regard to reforming the system of judicial self-governance causes several problems in interaction and internal communication and some resentment by the part of the judicial community.

As mentioned above, FAIR in cooperation with the COJ developed a draft Communications Strategy for the COJ. As part of the judiciary’s communications activities, in May 2012, FAIR supported the seminar “Communications Strategy of the Judiciary” organized by the Center for Judicial Studies (CJS) in cooperation with specialized councils of judges and COJ. During the seminar, FAIR submitted to the COJ the following deliverables:

- Draft Communications Strategy for the COJ;
- Draft Model Communications Strategy for Courts;
- Public Information Officer job instructions; and
- Guidelines on Courts and Media Relations.

Finally, FAIR identified and engaged court communications experts to update the court communications manual and court communications training curriculum, and develop the brochure on good practices in court communications. During the next reporting period, FAIR will finalize, print, and disseminate the court communications manual and the brochure on good practices in court communications, and submit the court communications training curriculum to the NSJ.

SCHEDULE CHANGES: During this reporting period, FAIR finalized an RFA on public awareness campaign development and public awareness materials dissemination and an RFP on public awareness materials development. FAIR also prepared an RFA on the development of the communications and public awareness support to constitutional reform processes and the Constitutional Assembly, and submitted to the Constitutional Assembly its detailed objectives. All

the slippages were caused by substantial changes in approaches to CSOs selection processes and appropriate reformatting of RFAs. Increasing role of the Constitutional Assembly in the process of effective implementation of judicial reform was the reason for additional RFA preparation.

PROBLEMS: The COJ members are active judges with a big caseload. Their professional responsibilities cause a decrease in their responsiveness and in their speed of interaction with the FAIR team. Also, until recently the Constitutional Assembly was under the process of establishment and did not have a full staff with defined responsibilities. This also prolonged the process of Constitutional Assembly interaction with FAIR. In June 2012, the Constitutional Assembly was finally established, the list of its members was adopted and the regular work began. This should facilitate the normalization of Constitutional Assembly interaction with FAIR.

PLANS: During the next reporting period, FAIR will release both RFAs and RFP, and expects that competitively selected grantees and subcontractor will develop and disseminate public awareness materials, begin public awareness campaign on rights, responsibilities and benefits of judicial and constitutional reforms, and develop communications strategy for the Constitutional Assembly. This will include the following:

- Support competitively selected subcontractor in developing public awareness materials concerning new judicial reforms (July 2012 and ongoing);
- Support competitively selected CSO in disseminating public awareness materials and developing public awareness campaign (July 2012 and ongoing);
- Support competitively selected CSO in developing and implementation of communications strategy for CA (July 2012 and ongoing);
- Advocate for COJ approval of the Communications Strategy for the Judiciary and support its implementation (July 2012 and ongoing);
- Finalize, publish, and disseminate court communications manual and brochure on good practices in court communications (July to September 2012);
- Finalize, print, and submit to the NSJ the court communications training curriculum (July to September 2012); and
- Participate and support the USAID LEP Project quarterly meetings with CSO coalitions; providing assistance to CSOs in establishing working relationships with the Judiciary.

Performance Indicators ER 4.2

According to the Work Plan and Performance Monitoring and Evaluation Plan (PMEP) we measure progress under the Expected Result 4.2 with the indicators "Number of media outlets used by project-supported CSOs to disseminate judiciary related information" and "Number of courts offering CSO-produced legal education materials to court visitors". Considering that FAIR has not yet identified CSO partners for the activities under this Expected Result, there are no changes in these indicators data this quarter. We expect that project activities contributing to these indicators will take place in July-September 2012.

EXPECTED RESULT 4.3: CIVIL SOCIETY ORGANIZATIONS HAVE MEANS AND OPPORTUNITIES TO EFFECTIVELY MONITOR THE IMPLEMENTATION OF JUDICIAL SECTOR REFORMS AND PROVIDE OVERSIGHT TO JUDICIAL OPERATIONS

ACCOMPLISHMENTS: During the last quarterly reporting period, FAIR launched the Citizen Report Cards (CRC) Grant Program and continued working on the development and design of a court administration certificate program in partnership with the Kharkiv Circuit Administrative Court, UACA, educational institutions, and local NGOs.

Milestone Progress ER 4.3

- Expanded CRCs to 8 new regions.
- Started initial CRC Survey.

In April 2012, FAIR received 15 grant applications in response to the RFA for conducting CRC Surveys on Public Satisfaction of Court Performance. FAIR Grant Evaluation Committee (GEC)

evaluated the applications and selected 8 NGOs which became the implementing partners for conducting CRC surveys in 34 courts in 13 regions of Ukraine. Announcement of the RFA on CRC Surveys showed that court representatives continue to express interest in participating in CRC activities, therefore the planned number of new courts and regions increased from 16 to 25 and from 5 to 8 respectively. Below is the list of the CRC courts, regions and implementing partners.

CRC Courts:

- Chernivtsi Oblast Court of Appeals (new)
- Hlybotskyi Raion Court of Chernivtsi Oblast (new)
- Pershotravnevyi District Courts of Chernivtsi City (new)
- Shevchenkiivskyi District Courts of Chernivtsi City (new)
- Lychakivskyi District Court of Lviv City (new)
- Drohobyskyi City-Raion Court (new)
- Chervonograd City Court of Lviv Oblast' (new)
- Ivano-Frankivsk Oblast Court of Appeals
- Ivano-Frankivsk City Court
- Cherkasy Oblast Court of Appeals (new)
- Chornobayivskyi Raion Court of Cherkasy Oblast
- Prymorskyi District Court of Odesa City (new)
- Khmelnytskyi Circuit Administrative Court (new)
- Zakarpatskyi Circuit Administrative Court (new)
- Lviv Circuit Administrative Court (new)
- Donetsk Oblast Court of Appeals
- Petrovskyi District Court of Donetsk
- Kharkiv Appellate Administrative Court
- Kharkiv Circuit Administrative Court
- Ordzhonikidzevskyi District Court of Mariupol City (new)
- Commercial Court of Dnipropetrovsk Oblast (new)
- Volyn Oblast Court of Appeals
- Lutsk City Raion Court
- Kovel City Raion Court of Volyn Oblast (new)
- Ivanychivskyi Raion Court of Volyn Oblast (new)
- Vinnytsia Circuit Administrative Court (new)
- Vinnytsia Appellate Administrative Court (new)
- Khmelnytska Oblast Court of Appeals (new)
- Kamyanets-Podilskyi City Raion Court (new)
- Kirovohrad Oblast Court of Appeals (new)
- Leninskyi District Court of Kirovohrad City (new)
- Kirovskyi District Court of Kirovohrad City (new)
- Kirovohradskyi Raion Court of Kirovohrad Oblast (new)
- Oleksandriyskyi City-Raion Court of Kirovohrad Oblast (new)

CRC Regions:

- Kirovohrad (new)
- Chernivtsi (new)
- Ivano-Frankivsk (new)
- Cherkasy

- Odesa (new)
- Donetsk
- Kharkiv
- Dnipropetrovsk (new)
- Volyn
- Lviv (new)
- Khmelnytskyi
- Vinnytsia (new)
- Zakarpattia (new)

Implementing partners:

- Community-Consulting Group “Partner” (Lutsk)
- Charitable Organization “Your Right”(Lviv)
- Charity Fund “CCC Creative Center” (Kyiv)
- Regional Public Charitable Foundation “Law and Democracy” (Lviv)
- “Institute of Applied Humanitarian Research” (Kharkiv)
- Youth non-profit regional public organization “Association of Volyn Youth Rights Protection” (Lutsk)
- Public Organization “Podilska Human Rights Foundation” (Khmelnytskyi)
- Regional public organization “TORO Creative Union” (Kirovohrad)

In May 2012, FAIR signed 8 grant agreements with the above-mentioned NGOs. Also in May FAIR conducted a 2-day workshop on the CRC methodology and grant project implementation for the selected 8 NGOs and court representative of 34 CRC courts. 21 NGO members and 42 judges and court staff attended the workshop. During the event, FAIR introduced the CRC methodology, overviewed the CRC survey implementation plan and CRC tools such as questionnaire and etc. The former UROL grantees and pilot court representatives exchanged experience and shared lessons learned with the new courts and NGOs. Also civil society representatives had an opportunity to participate in the interactive dialogs with court staff to discuss the CRC surveys conducted in the former UROL pilot courts in 2008-2010. During the second day of the workshop, grantees overviewed the USAID FAIR Justice Project Grant



Iryna Pidurkova, Expert of the Institute of Applied Humanitarian Research, sharing lessons learned at workshop on the CRC methodology and grant project implementation in Kyiv on May 23, 2012.



Participants of the workshop on the CRC methodology and grant project implementation in Kyiv on May 23, 2012.

Instruction Manual, Grant Project Communication Policy including Marking and Branding Plans, and requirements for preparing and submitting grantee financial reports. The FAIR team provided guidance on the above-mentioned topics and addressed grantees' questions.

In June 2012, the CRC grantees conducted focus-group discussions with representatives of 25 new courts aimed at reviewing the CRC questionnaire, identifying specifics of each court, and 5 additional questions that each court would like to ask court users. FAIR representatives attended a focus group discussion in Kirovohrad Oblast Court of Appeals and provided guidance and technical expertise to the new grantee, TORO Creative Union NGO, in conducting the focus group. Also, the CRC implementing partners trained interviewers who will collect data from court users and started initial CRC surveys in 34 courts. One of the repeat grantees, Partner NGO (Lutsk), provided training for interviewers representing the new grantee, TORO Creative Union NGO (Kirovohrad).

In coordination with Task 3.2.2, 13 of the 34 courts in eight regions started to pilot external court performance evaluation using CRC as a measurement of court user satisfaction under the developing national court performance standards.

Notably, FAIR received the invitation of the European Group for Public Administration (EPGA) Permanent Study Group on Justice and Court Administration to present best practices and lessons learned in external court performance evaluation using CRCs at the EPGA Annual Conference in Bergen, Norway. This invitation is a result of paper on Improving Court Quality and Public Trust and Confidence Using CRC prepared and submitted by FAIR to EGPA.

During this quarterly period, FAIR is continuing to support the court administration certification program being designed and implemented by the Kharkiv Circuit Administrative Court in partnership with the Kharkiv National University, Kharkiv National Law Academy, and UACA. Together with Kharkiv Circuit Administrative Court, FAIR conducted a working meeting with the partners of the above-mentioned program in May, 2012. Representatives of FAIR, Kharkiv Circuit Administrative Court, SJA, Kharkiv Continuous Education Academy, Yaroslav Mudry Law Academy of Ukraine, Kharkiv V. N. Karazin National University, Ukrainian Association for Court Advancement NGO, and Kharkiv City Public Organization Institute of Applied Humanitarian Research participated in the meeting. As a result of the meeting, partners finalized the course plan based on the key competencies for the court administrator, agreed on further development of criteria and scores for the program participants and faculty evaluation, reviewed the application form for potential candidates of the program, and agreed on the revised competencies for the court administrator. Additionally, key partners identified a scope of work and grant budget for NGO to be selected as a result of grant competition to administer the court administration certificate program. Participant discussed next steps on the design and implementation of the court administration certificate program and scheduled the next working meeting for the end of July 2012.

On June 15, 2012, FAIR issued the RFA to support a local NGO from Kharkiv to administer the court administration certification program aimed at increasing the knowledge, skills, and abilities of 40 court administrators from Kharkiv Region. The objective of the upcoming grant activity is to provide logistical and technical support to ensure successful implementation of the pilot court administration certificate program. This grant activity will also support the development of a basic framework for a national master's level program on court administration and case management in Ukraine.

In addition to efforts on developing the court administration certificate program, FAIR engaged a local short-term expert with an academic background to coordinate activities of the key partners on designing and implementing the court administration certificate program.

Also during this quarter, FAIR received USAID approval for FAIR Civil Society Specialist and SAF Director, Larissa Sinitsyna, to provide support to the Ukrainian delegation within the USAID Community Connections Program on Improving Court Administration and Management through the Exchange of Professional Experience between the Ukrainian Court Staff and their U.S. Counterparts. This program is the result of a proposal submitted by FAIR in December 2011, and is linked to the activity to support a court administration certification program in Kharkiv. The majority of the 10 Ukrainian participants of the exchange program represent key partner institutions that are engaged in development of the court administration certificate program in Kharkiv. The participants were competitively selected with FAIR support. They will contribute to the development and implementation of the certification program by sharing the experience and knowledge they received in the United States.

Performance Indicators ER 4.3

8 FAIR CSO partners started the implementation of external court performance evaluation by way of citizen report cards (CRC) surveys in 34 courts. That is 4.4% of all courts in Ukraine. Thus, this quarter FAIR made a significant measurable change under the ER4.3 indicator "Number and percentage of courts in which there are active CSO court performance evaluation programs"

PLANS: During the next quarterly period, FAIR will continue implementing the CRC Grant Program and will launch a new grant to support the design and implementation of a court administration certification program in partnership with the Kharkiv Circuit Administrative Court, UACA and educational institutions. Also, FAIR will present the CRC Surveys at the EPGA annual conference and provide support to the Ukrainian delegation and U.S. host organizations within Community Connections Program on Improving Court Administration and Management. The major activities will include the following:

- FAIR will provide computer data entry and processing training for 8 grantees under the Citizen Report Cards (CRC) Survey on Public Satisfaction of Court Performance Grant program (July 2012);
- CRC grantees will process the data collected during the CRC surveys (July to August, 2012);
- FAIR local short-term expert will provide consultations on preparing preliminary analytical reports by CRC grantees. The grantees will start to prepare preliminary analytical reports and recommendations on how to improve court services (August to September 2012);
- FAIR will select NGO partner to administer the pilot court administration certificate program (August 2012);
- FAIR will conduct the next working meeting on designing and implementing the court administration certification. During the meeting those participant who are to take part in the USAID Community Connections Program Improving Court Administration and Management Through the Exchange of Professional Experience by Ukrainian Court Staff With their U.S. Counterparts will present their action plans reflecting contribution to the design and implementation of certificate program for court administrators in Kharkiv (July 2012);
- FAIR Civil Society specialist and SAF Director, Larissa Sinitsyna, will accompany and support the Community Connections Program group of court administrators, civil society advocates and academicians to Reno, Nevada (July 2012); and
- FAIR representatives will present best practices and lessons learned in external court performance evaluation using CRCs at the European Group for Public Administration (EPGA) Annual Conference in Bergen, Norway (September 2012).

DONOR COORDINATION

During this reporting period, the FAIR team hosted three Rule of Law donors and implementers meetings. On April 4, 2012, featured speaker Judge Tetiana Kozyr of the High Commercial Court and Secretary of the COJ, discussed the COJ's effort to amend the Code of Judicial Ethics of 2002 to bring it in line with current Ukrainian legislation and international and European standards for judicial conduct. On May 16, 2012, Head of the SJA, Ruslan Kyrlyuk, provided an update on the SJA's efforts in supporting judiciary activity and priorities for the future. The agenda of this meeting also included a presentation of a new five-year project in Ukraine funded by the Canadian International Development Agency: Judicial Education for Economic Growth started by the Canadian National Judicial Institute. The project has been designed to assist Ukraine with the effective training for in-service judges, as well as candidate judges to be developed at the NSJ with the HQC oversight. Finally, on June 6, 2012, the featured speakers were Oksana Kuchynska, Vice-Rector of the NSJ, and Mary K. Butler, Resident Legal Advisor, U.S. Embassy in Ukraine, Chief of Criminal Justice Reform Program, U.S. Department of Justice - OPDAT. Both speakers provided an update on CPC implementation with regard to the training on the novelties of the Code.

Also during this reporting period, FAIR COP David Vaughn attended the National Adversarial Proceedings Competition organized by the USAID Building Ukrainian Independence and a Lasting Democracy (BUILD) project in April 2012, the FAIR team attended Parliamentary Technical Assistance Organization Coordination Meetings in April and June 2012, and participated in the Pravova Krayina Media Club launch organized by the USAID LEP on the occasion of the All-Ukrainian Free Legal Aid Day.

DELIVERABLES

FAIR submitted the following deliverables this reporting period:

- Revised Work Plan for April 1 to September 30, 2012
- Brief Analysis of the Ukrainian Legislation which Needs Improvement with regard to the Legal Education Reform
- Opinion on the Constitution of Ukraine with Focus on Rule of Law Principles
- Report on Participation at the Third International Conference on Exchange of Experiences between European Union Countries Concerning Relations in Various Judicial Systems between the Functions of Inspectorates of the Ministry of Justice and the Councils for the Judiciary and/or Autonomous Government Bodies
- Presentation by Ruslan Kyrlyuk, Head of the SJA, delivered at the IACA Conference at the Hague
- Public Information Officer Job Instructions
- Guidelines on Courts and Media Relations
- Key Competencies for Court Administrators
- Concept Paper on the Pilot Court Administrator Certificate Program

LOE UTILIZATION

LOE utilized to-date	1,845.35
April-June 2012 LOE	1,048.13
TOTAL LOE utilized	2,893.48

ANNEX A: PERFORMANCE MANAGEMENT AND EVALUATION SUMMARY

PERFORMANCE INDICATORS	BASELINE DATA		TARGETS		ACTUAL			Notes and Explanations
	Month/ Year	Value	Annual 2012	Cumulative Project End Base Period	This quarter	Annual 2012	Cumulative to date ¹	
Program Goal: Support legislative, regulatory and institutional reform of judicial institutions in order to build a foundation for a more accountable and independent judiciary								
1. Number of legal institutions and associations supported by USG	Oct'11	30	24	30	20	22	22	This reporting period, FAIR counts 13 governmental judicial institutions: President Administration, Verkhovna Rada Justice Committee, High Council of Justice, Council of Judges, State Judicial Administration, High Qualifications Commission, National School of Judges, Supreme Court, High Specialized Criminal and Civil Court, High Administrative Court, High Commercial Court. In addition, this quarter FAIR supported 7 non-governmental legal associations: Ukrainian Association for Court Advancement, Center for Legal Reform and Legislation Drafting, Charitable Organization “Your Right”, Regional Public Charitable Foundation “Law and Democracy”, Association of Volyn Youth Rights Protection, Podilska Human Rights Foundation, TORO Creative Union (representative of Transparency International in Ukraine)
Objective 1: The legislative and regulatory framework for judicial reform complies with European and international norms and supports judicial accountability and independence								

¹ "Cumulative to date" numbers in this table are only those that related to FAIR project. It means that "Baseline" data does not impact the cumulative to date numbers if baseline was calculated under the previous USAID project.

PERFORMANCE INDICATORS	BASELINE DATA		TARGETS		ACTUAL			Notes and Explanations
	Month/Year	Value	Annual 2012	Cumulative Project End Base Period	This quarter	Annual 2012	Cumulative to date ¹	
2. Number of laws, regulations, and procedures designed to enhance judicial independence supported with USG assistance	Oct'11	8	2	12	1	1	1	During this reporting period FAIR – promoted changes in Ukrainian legislation came into effect with adoption of the Law on Amending Some Legislative Acts of Ukraine regarding strengthening the judicial independence guarantees. In addition, COJ amended the Provision on the Automated Case Flow System in the Courts and considered FAIR recommendations in full.
Expected Result 1.1: Ukrainian judicial reform legislation receives favorable comments from the Venice Commission as meeting international standards and reflects domestic and international expert input								
3. Number of revised provisions enacted that reflect Venice Commission recommendations	Oct'11	0	22	22	4	4	4	Adoption of the Law on Amending Some Legislative Acts of Ukraine regarding strengthening the judicial independence guarantees address Venice Commission recommendations on the discretion power of President and Verkhovna Rada in judicial appointment process.
4. Percentage of Venice Commission recommendations adopted	Oct'11	0	80%	80%	15%	15%	15%	
Expected Result 1.2: Constitutional reform related to the judiciary is pursued in an inclusive manner								
5. Number of project-supported communication products issued by civil society organizations on constitutional reform	Oct'11	0	2	4	0	0	0	Not applicable to this reporting period. Related activities are scheduled for July – September 2012.
6. Number of working sessions on Constitutional reform between law makers and civil society organizations	Oct'11	0	2	4	1	1	1	During this reporting period FAIR supported the first plenary meeting of the Constitutional Assembly. Constitutional Assembly consists of representatives of parliamentary factions and groups, political parties, the National Academy of Sciences, academic research institutions and Civil Society Organizations NGOs.

PERFORMANCE INDICATORS	BASELINE DATA		TARGETS		ACTUAL			Notes and Explanations
	Month/Year	Value	Annual 2012	Cumulative Project End Base Period	This quarter	Annual 2012	Cumulative to date ¹	
7. Number of civil society organizations who have experience in constitutional reform participating in public events on the Constitution	Oct'11	0	15	30	0	0	0	Not applicable to this reporting period. Related activities are scheduled for July – September 2012.
Objective 2: The accountability and transparency of key judicial institutions and operations are strengthened								
8. Number of new properties and functions surrounding judicial selection and discipline introduced to HQC website with project support	Oct'11	0	10	15	0	0	0	Not applicable to this reporting period. Related activities are planned for April – September 2012.
Expected Result 2.1: Ukrainian judges are appointed based on objective, knowledge- and performance-based criteria								
9. Number of merit-based criteria or procedures for justice sector personnel selection adopted with USG assistance	Oct'11	2	10	20	0	0	0	Not applicable to this reporting period. Related activities are planned for April – September 2012.
10. Number of procedures within the judicial appointment process improved with project support	Oct'11	0	4	9	1	1	1	During this reporting period HQC approved the updated and improved with FAIR support the Regulation on the Procedure of the Judicial Anonymous Test Administration.
11. Number of judicial test developers trained with project support	Oct'11	0	20	25	11	11	11	During the reporting period project trained 11 justice sector personnel, representatives of the National School of Judges of Ukraine and High Qualifications Commission of Judges of Ukraine as judicial test developers.
Expected Result 2.2: Ukrainian judges are disciplined in transparent processes								

PERFORMANCE INDICATORS	BASELINE DATA		TARGETS		ACTUAL			Notes and Explanations
	Month/Year	Value	Annual 2012	Cumulative Project End Base Period	This quarter	Annual 2012	Cumulative to date ¹	
12. Number of criteria, standards and regulations adopted to govern judicial misconduct investigations	Oct'11	0	4	8	0	0	0	FAIR supported the development of Developed a draft Instruction on Verification Procedure and Decision-Making in Disciplinary Proceedings against Judges, draft Job Description for Disciplinary Inspectors and Regulation on Service of Disciplinary Inspectors. FAIR presented developed drafts to the HQC for consideration and expects HQC approval of these regulations next quarter.
13. Per cent of judicial misconduct complaints submitted to the HQC using the standardized form	Oct'11	2%	3%	10%	9,5%	7,3%	7,3%	During this reporting period HQC received 4,701 judicial misconduct complaints, including 446 using the standardized form.
14. Number of government institutions placing judicial misconduct complaint form on their website.	Oct'11	1	1	1	1	1	1	HQC remains the government institution placing judicial misconduct complaint form on its website.
15. Per cent of judicial discipline decisions posted on HQC website	Nov'11	47%	80%	100%	6,5%	64%	64%	During this reporting period HQC made 31 disciplinary decisions, only 2 of them (6,5%) are posted on the HQC website. Cumulatively, during 2011-2012, HQC made 197 judicial discipline decisions, 124 (64%) of them are on HQC website.
16. Number of judicial disciplinary inspectors trained with project support	Nov'11	0	30	30	3	3	3	During this reporting period FAIR supported judicial selection and discipline study tour to the US where two HQC judicial disciplinary inspectors and head of judicial disciplinary inspectors HQC department took part.
Expected Result 2.3: The regulatory and institutional framework for judicial accountability and integrity are strengthened								

PERFORMANCE INDICATORS	BASELINE DATA		TARGETS		ACTUAL			Notes and Explanations
	Month/Year	Value	Annual 2012	Cumulative Project End Base Period	This quarter	Annual 2012	Cumulative to date ¹	
17. Number of judicial self-governance mechanisms revised with project support	Oct'11	0	1	3	0	0	0	FAIR supported the Draft Code of Judicial Ethics and it's currently is under public discussion. We expect the approval of the new Code in fall 2012.
18. Number of judges providing feedback to revisions of judicial self-governance mechanisms	Oct'11	0	100	200	93	93	93	93 judges from 5 regions provided their feedback to the Draft Code of Judicial Ethics during two roundtables in L'viv and Odesa.
Objective 3: The professionalism and effectiveness of the Ukrainian judiciary are strengthened								
19. Number of USG-assisted courts with improved case management	Oct'11	14	20	30	0	0	0	Not applicable to this reporting period. Related activities are planned for July – September 2012.
20. Number of judges and judicial personnel trained with USG assistance	Oct'11	2,946	300	3,500	320	320	320	FAIR trained 320 judges and judicial personnel during the reporting period including 169 men and 151 women (53% and 47% accordingly). Training events include TOT on new Criminal Code, trainings on application of electoral law during 2012 Parliament Elections, judicial selection and discipline study tour to the US and participation of Ukrainian delegation in 2012 IACA Conference.
Expected Result 3.1: The skills and competencies of Ukrainian judges are bolstered through modern, demand-driven initial and ongoing training programs								
21. Number of new legal courses or curricula developed with USG assistance	Oct'11	8	3	14	0	0	0	During this reporting period FAIR with its Ukrainian partners prepared the final draft of the Handbook on Judicial Opinion Writing.
22. Number of TOT trainers created	Oct'11	187	30	50	51	51	51	FAIR and National School of Judges conducted two TOTs on application of the new Criminal Code of Ukraine for 51 judges including 35 men and 16 women.

PERFORMANCE INDICATORS	BASELINE DATA		TARGETS		ACTUAL			Notes and Explanations
	Month/Year	Value	Annual 2012	Cumulative Project End Base Period	This quarter	Annual 2012	Cumulative to date ¹	
23. Number of judges trained with USG assistance	Oct'11	1,700	200	2,200	251	251	251	FAIR trained 251 judges during the reporting period including 145 men and 106 women (58% and 42% accordingly). Training events include TOT on new Criminal Code, trainings on application of electoral law during 2012 Parliament Elections, judicial selection and discipline study tour to the US and participation of Ukrainian delegation in 2012 IACA Conference.
Expected Result 3.2: Judicial operations are evaluated and funded according to an objective assessment of needs and performance								
24. Number of court performance standards adopted	Oct'11	0	0	5	0	0	0	Draft of the court performance measurement framework developed and based on 4 standards. Adoption of the framework is expected in October – December 2012.
25. Number of courts involved in piloting court performance standards	Oct'11	6	12	12	13	13	13	13 courts started pilot testing of court performance standards and evaluation modules.
26. Annual citizen report cards score of participating courts	Oct'11	.77 (out of max score of 1)	.82	.87	n/a	n/a	n/a	8 CSOs started citizen report cards surveys in 34 courts. FAIR plans to calculate the annual 2012 index in September 2012.
27. Number of data-fed analytical techniques incorporated into judicial budgeting	Oct'11	0	3	3	0	0	0	Not applicable to this reporting period. Related activity is planned for July – September 2012.
Expected Result 3.3: The SJA's capacity to represent and support the developing needs of Ukrainian judiciary is strengthened								

PERFORMANCE INDICATORS	BASELINE DATA		TARGETS		ACTUAL			Notes and Explanations
	Month/Year	Value	Annual 2012	Cumulative Project End Base Period	This quarter	Annual 2012	Cumulative to date ¹	
28. Number of project-supported organizational structures within the SJA for the support of information technology, procurement, capital improvement, human resources, statistical collections and analysis activities within the courts	Oct'11	1	7	7	2	4	4	During this reporting period FAIR supported sub-groups for developing strategic plan and sub-group for developing court performance standard of the SJA Working Group on Innovations.
29. Number of project-supported new or improved policies within the SJA for the support of information technology, procurement, capital improvement, human resources, statistical collections and analysis activities within the courts.	Oct'11	0	4	7	0	0	0	Not applicable to this reporting period. Related activity is planned for June – September 2012.
30. Number of justice sector personnel constructively engaged in long term strategic planning for the judicial branch	Oct'11	0	200	200	47	254	254	During this reporting period FAIR engaged 47 justice sector personnel in strategic planning for the judicial branch through focus groups in two regions
Objective 4: The role of civil society organizations as advocates for and monitors of judicial reform is strengthened								
Expected Result 4.1: Civil society and the public have effective means to engage in dialogue with decision makers regarding judicial reform								
31. Number of project-supported public events organized by Civil Society Organizations on judicial reform	Oct'11	0	10	20	0	0	0	Not applicable to this reporting period. Related activity is planned for July – September 2012.

PERFORMANCE INDICATORS	BASELINE DATA		TARGETS		ACTUAL			Notes and Explanations
	Month/ Year	Value	Annual 2012	Cumulative Project End Base Period	This quarter	Annual 2012	Cumulative to date ¹	
Expected Result 4.2: The Ukrainian public are engaged in the judicial reform process through civic education and advocacy activities								
32. Number of media outlets used by project-supported CSOs to disseminate judiciary related information	Oct'11	0	50	100	0	0	0	Not applicable to this reporting period. Related activity is planned for July – September 2012.
33. Number of courts offering CSO-produced legal education materials to court visitors	Oct'11	0	20	30	0	0	0	Not applicable to this reporting period. Related activity is planned for July – September 2012.
Expected Result 4.3: Civil society organizations have means and opportunities to effectively monitor the implementation of judicial sector reforms and provide oversight to judicial operations								
34. Number and percentage of courts in which there are active CSO court performance evaluation programs	Oct'11	20 (2,6%)	20 (2,6%)	30 (3,9%)	34 (4.4%)	34 (4.4%)	34 (4.4%)	8 FAIR CSO partners started the implementation of external court performance evaluation by way of citizen report cards (CRC) surveys in 34 courts. It's 4.4% of all courts in Ukraine.
35. Percentage of partner Civil Society Organizations' performance improvement recommendations implemented by judicial institutions	Oct'11	30%	40%	50%	n/a	n/a	n/a	Not applicable to this reporting period. CSO partners will prepare their recommendations after the completion of CRC surveys in courts (August – September 2012).